

## **PENAL CODE**

(No. 15/1999/QH10)

### **FOREWORD**

Criminal law constitutes one of the sharp and effective instruments to prevent and combat crime, actively contributing to the defense of independence, sovereignty, unity and territorial integrity of the socialist Vietnamese Fatherland, the protection of the interests of the State as well as the legitimate rights and interests of citizens and organizations. It also contributes to the maintenance of social order and security and economic management order and provides security for all people to live in a safe, healthy and highly humane social and ecological environment. At the same time the criminal law actively contributes to doing away with elements which obstruct the process of renewal and national industrialization and modernization for a prosperous people, a strong country and an equitable and civilized society.

This Penal Code has been made on the basis of inheriting and promoting the principles and institutions of Vietnam's criminal legislation, particularly the 1985 Penal Code, as well as experiences drawn from the reality of the struggle to prevent and combat crimes over many decades of the process of national construction and defense.

The Penal Code demonstrates the spirit of active prevention and resolute combat against crimes through penalties in order to deter, educate, convert and reform offenders into honest people; thereby to imbue every citizen with the spirit and sense of being masters of the society, the sense of law observance and active participation in crime prevention and combat.

To strictly implement the Penal Code is the common task of all agencies, organizations and the entire population.

### **GENERAL PART**

#### **Chapter I**

#### **FUNDAMENTAL PROVISIONS**

##### **Article 1.-The tasks of the Penal Code**

The Penal Code has the tasks of protecting the socialist regime, the people's mastership, equality among people of various nationalities, the interests of the State, the legitimate rights and interests of citizens and organizations, protecting the socialist law order, opposing all acts of criminal offense; at the same time educating people in the sense of law observance and struggle to prevent and combat crime.

In order to carry out such tasks, the Penal Code defines crimes and the penalties for offenders.

### **Article 2.-Basis of penal liabilities**

Only those persons who have committed crimes defined by the Penal Code shall bear the penal liabilities therefore.

### **Article 3.-Handling principles**

1. All acts of criminal offenses must be timely detected and handled in a prompt, just and enlightened manner in strict accordance with laws.
2. All offenders are equal before the law, regardless of their sex, nationality, beliefs, religion, social class and status.

To severely penalize conspirators, ringleaders, commanders, die-hard opposers, wrong-doers, hooligans, dangerous recidivists, those who have abused their positions and powers to commit crimes and those who have committed crimes with treacherous ploys, in an organized and professional manner, with intention to cause serious consequences.

To grant leniency to persons who make confessions, make honest declarations, denounce accomplices, redeem their faults with achievements, show repentance, voluntarily right themselves or make compensation for damage they have caused.

3. For first-time offenders of less serious crimes, who have shown their repentance, penalties lighter than imprisonment may be imposed, and they may be placed under the supervision and education of agencies, organizations or families.

4. For persons sentenced to imprisonment, they must be compelled to serve their sentences in detention camps, to labor and study so as to become persons useful to society; if they make marked progress, they shall be considered for commutation of their penalties.

5. Persons who have completely served their sentences shall be given conditions to work and live honestly, to integrate themselves into the community, and when they fully meet the conditions prescribed by law, their criminal records shall be wiped.

#### **Article 4. - Responsibility to struggle for crime prevention and combat**

1. The police, procuracy, court, judicial and inspection bodies and other concerned agencies shall fulfill their respective functions and tasks and at the same time guide and assist other State bodies, organizations and citizens in preventing and combating crime as well as in supervising and educating offenders at community level.

2. The agencies and organizations have a duty to educate people under their respective management in raising their vigilance, the sense of law protection and observance, and respect for the regulations of socialist life; to take timely measures to eliminate the causes of and conditions for committing crimes in their respective agencies and organizations.

3. All citizens have the obligation to actively participate in the struggle to prevent and combat crimes.

### **Chapter II**

#### **EFFECT OF THE PENAL CODE**

#### **Article 5.- The effect of the Penal Code on criminal acts committed in the territory of the Socialist Republic of Vietnam**

1. The Penal Code applies to all acts of criminal offenses committed in the territory of the Socialist Republic of Vietnam.

2. For foreigners who commit offense in the territory of the Socialist

Republic of Vietnam but are entitled to diplomatic immunities or consular privileges and immunities under Vietnamese laws, international treaties which the Socialist Republic of Vietnam has signed or acceded to or the international practices, their criminal liabilities shall be settled through diplomatic channels.

**Article 6.- The effect of the Penal Code on criminal acts committed outside the territory of the Socialist Republic of Vietnam**

1. Vietnamese citizens who commit offenses outside the territory of the Socialist Republic of Vietnam may be examined for penal liability in Vietnam according to this Code.

This provision also applies to stateless persons who permanently reside in the Socialist Republic of Vietnam.

2. Foreigners who commit offenses outside the territory of the Socialist Republic of Vietnam may be examined for penal liability according to the Penal Code of Vietnam in circumstances provided for in the international treaties which the Socialist Republic of Vietnam has signed or acceded to.

**Article 7.-  
The temporal application of the Penal Code**

1. The provision applying to a criminal act shall be the provision currently in force at the time such criminal act is committed.

2. Provisions defining a new offense, a heavier penalty, a new aggravating circumstance or restricting the scope of application of suspended sentences, the exemption of penal liability and/or penalties, the reduction of penalties or remission of criminal records, and other provisions not in favor of the offenders, shall not apply to acts of criminal offense committed before such provisions take effect.

3. Provisions canceling an offense, a penalty, an aggravating circumstance and/or defining a lighter penalty, an extenuating circumstance or broadening the scope of application of suspended sentences, the exemption of penal liability, penalties, the reduction of penalties, the remission of criminal records and other provisions

in favor of the offenders, shall apply to acts of criminal offenses committed before such provisions take effect.

### **Chapter III**

#### **CRIMES**

##### **Article 8.- Definition of crime**

1. A crime is an act dangerous to the society prescribed in the Penal Code, committed intentionally or unintentionally by a person having the penal liability capacity, infringing upon the independence, sovereignty, unity and territorial integrity of the Fatherland, infringing upon the political regime, the economic regime, culture, defense, security, social order and safety, the legitimate rights and interests of organizations, infringing upon the life, health, honor, dignity, freedom, property, as well as other legitimate rights and interests of citizens, and infringing upon other socialist legislation.

2. Based on the nature and extent of danger to the society of acts prescribed in this Code, crimes are classified into less serious crimes, serious crimes, very serious crimes and particularly serious crimes,

3. Less serious crimes are crimes which cause no great harm to society and the maximum penalty bracket for such crimes is three years of imprisonment; serious crimes are crimes which cause great harm to society and the maximum penalty bracket for such crimes is seven years of imprisonment; very serious crimes are crimes which cause very great harm to society and the maximum penalty bracket for such crimes is fifteen years of imprisonment; particularly serious crimes are crimes which cause exceptionally great harms to society and the maximum penalty bracket for such crimes shall be over fifteen years of imprisonment, life imprisonment or capital punishment.

4. Acts showing signs of crime but which pose minimal danger to society are not crimes and shall be handled by other measures.

##### **Article 9.- Intentional commission of crimes**

The intentional commission of a crime is commission of crime in the following circumstances:

1. The offenders are aware that their acts are dangerous to society, foresee the consequences of such acts and wish such consequences to occur;

2. The offenders are aware that their acts are dangerous to society, foresee the consequences that such acts may entail and do not wish, but consciously allow, such consequences to occur.

**Article 10. - Unintentional commission of crimes**

The unintentional commission of a crime is commission of crime in the following circumstances:

1. The offenders foresee that their acts may cause harmful consequences to society, but think that such consequences shall not occur or can be warded off;

2. The offenders do not foresee that their acts may cause harmful consequences to the society though they must have foreseen or did foresee such consequences.

**Article 11. - Unexpected events**

Persons who commit acts which cause harmful consequences to the society due to unexpected events, namely in circumstances which they cannot, or are not compelled to, foresee the consequences of such acts, shall not have to bear penal liability therefore.

**Article 12. - Ages subject to penal liability**

1. Persons aged full 16 or older shall have to bear penal liability for all crimes they commit.

2. Persons aged full 14 or older but under 16 shall have to bear penal liability for very serious crimes intentionally committed or particularly serious crimes.

**Article 13.- The state of having no penal liability capacity**

1. Persons who commit acts dangerous to the society while suffering from mental disease or disease which deprives them of their capability to be aware of or to control their acts, shall not have to bear penal liability therefore; to

these persons, the measure of enforced hospitalization shall apply.

2. Persons who commit crimes while having penal liability but falling into the state prescribed in Clause 1, of this Article, before being sentenced, shall be subjected to enforced hospitalization. After recovering from the illness, such persons may bear penal liability.

**Article 14.- Committing crimes while in the state of being intoxicated due to the use of alcohol or other strong stimulants**

Persons who commit crimes while in the state of being intoxicated due to the use of alcohol or other strong stimulants shall still bear penal liability therefore.

**Article 15. - Legitimate defense**

1. Legitimate defense is an act of persons who, for the purpose of protecting the interests of the State and/or organizations, as well as the legitimate rights and interests of their own or other persons, need to fight against persons who are committing acts infringing upon the interests of the above-mentioned. Legitimate defense is not a crime.

2. Acting beyond the prescribed legitimate defense limit is the act of fighting back in a manner incompatible with the nature and the extent of danger posed to the society by the act of infringement. Persons who act beyond the limit of legitimate defense shall bear penal liability therefore.

**Article 16.- Urgent circumstances**

1. The urgent circumstance is the circumstance in which persons who, because of wanting to ward off a danger practically jeopardizing the interests of the State and/or organizations, the legitimate rights and interests of their own or other persons and having no other alternatives, have to cause damage smaller than the damage to be warded off. Acts causing damage in urgent circumstances are not crimes.

2. Where the damage caused is obviously beyond the requirement of the urgent circumstance, the persons who cause such damage shall bear penal liability therefore.

**Article 17. - Preparation for crime commission**

Preparation for crime commission is to search for, prepare instruments or create other conditions for committing crimes. Persons who prepare for the commission of a very serious crime or a particularly serious crime shall bear penal liability for their attempted crime.

**Article 18.- Incompleted commission of a crime**

Incompleted commission of a crime is an intentional commission of a crime which cannot be carried out to the end due to causes beyond the control of the offender.

Persons who commit incompleted crimes shall bear penal liability therefore.

**Article 19.- Voluntary termination of unfinished crimes**

To voluntarily terminate the commission of a crime is to refuse at one's own will to carry out a crime to the end though nothing stands in the way.

A person who voluntarily terminates the commission of a crime shall be exempt from penal liability for the attempted crime; if the act actually committed fully consists of elements of another crime, such person shall bear penal liability for such crime.

**Article 20.- Complicity**

1. Complicity is where two or more persons intentionally commit a crime.
2. The organizers, executors, instigators and helpers are all accomplices. The executors are those who actually carry out the crimes.

The organizers are those who mastermind, lead and direct the execution of crimes.

The instigators are those who incite, induce and encourage other persons to commit crimes.

The helpers are those who create spiritual or material conditions for the commission of crimes.

3. The organized commission of a crime is a form of complicity with close collusion among persons who jointly commit the crime.

#### **Article 21.- Concealment of crimes**

Any person who, though having not earlier promised anything, knows a crime has been committed and conceals the offender, traces and/or exhibits of the crime or commits the act of obstructing the detection, investigation and/or handling of the offender, shall bear penal liability for the concealment of crime as provided for by this Code.

#### **Article 22.- Non-denunciation of crimes**

1. Any person who knows a crime is being prepared, carried out or has been completed but fails to denounce it shall bear penal liability for having failed to denounce it as provided for in Article 313 of this Code.

2. The grand-father, grand-mother, father, mother, offspring, grandchild, sibling, wife or husband of an offender, who fails to denounce the latter's crime, shall bear penal liability only in cases of failing to denounce crimes against national security or particularly serious crimes prescribed in Article 313 of this Code.

#### **Chapter IV**

#### **STATUTE OF LIMITATION FOR PENAL LIABILITY EXAMINATION, PENAL LIABILITY EXEMPTION**

#### **Article 23.- Statute of limitation for penal liability examination**

1. The statute of limitation for penal liability examination is the time limit prescribed by this Code upon the expiry of which the offender shall not be examined for penal liability.

2. The statute of limitation for penal liability examination is stipulated as follows:

a) Five years for less serious crimes;

b) Ten years for serious crimes;

c) Fifteen years for very serious crimes;

d) Twenty years for particularly serious crimes.

3. The statute of limitation shall begin from the date a crime is committed. If within the time limit prescribed in Clause 2 of this

Article, the offender commits a new crime for which this Code stipulates a maximum penalty of over one year, the time already past must not be counted and the statute of limitation for the previous crime shall be re-calculated from the date the new crime is committed.

If within the above-said time limit, the offender deliberately flees and is being hunted for by warrant, the time of fleeing away must not be counted and the statute of limitation shall be re-calculated from such time the person gives him/herself up or is arrested.

#### **Article 24.-Non-application of statute of limitation for penal liability examination**

The statute of limitation for penal liability examination prescribed in Article 23 of this Code shall not apply to crimes provided for in Chapter XI and Chapter XXIV of this Code

#### **Article 25.- Penal liability exemption**

1. An offender shall be exempt from penal liability if during the investigation, prosecution or trial, due to a change of situation, the act of criminal offense of the offender is no longer dangerous to the society.

2. If before the act of criminal offense is detected, the offender gives him/herself up and clearly declares and reports facts, thus effectively contributing to the detection and investigation of the crime and trying to minimize the consequences of the crime, he/she may also be exempt from penal liability.

3. Offenders shall be exempt from penal liability when there are decisions on general amnesties.

### **Chapter V PENALTIES**

## **Article 26.- Definition of penalty**

Penalty is the most severe coercive measure applied by the State so as to strip or restrict the rights and interests of the offenders. Penalties are provided for in the Penal Code and decided by the court.

## **Article 27. - The purpose of penalty**

Penalties aim not only to punish offenders but also to rehabilitate them into persons useful to society and having the sense of observing laws and regulations of the socialist life, preventing them from committing new crimes. Penalties also aim to educate other people to respect laws and prevent and combat crimes.

## **Article 28. - Penalties**

Penalties include principal penalties and additional penalties.

1. The principal penalties include:

- a) Warning;
- b) Fine;
- c) Non-custodial reform;
- d) Expulsion;
- e) Termed imprisonment;
- f) Life imprisonment;
- g) Death penalty.

2. The additional penalties include:

- a) Ban from holding certain posts, practicing certain occupations or doing certain jobs;
- b) Ban on residence;
- c) Probation;
- d) Deprivation of some civic rights

e) Confiscation of property;

f) Fine, when it is not applied as a principal penalty;

g) Expulsion, when it is not applied as a principal penalty.

3. For each offense, the offender shall be subject to only one principal penalty and may be subject to one or more additional penalties.

#### **Article 29.- Warning**

Warning applies to offenders of less serious crimes involving extenuating circumstances not warranting penalty exemption.

#### **Article 30.- Fine**

1. Fine is applied as a principal penalty to offenders of less serious crimes of infringing upon the economic management order, public order, administrative management order and a number of other crimes prescribed by this Code.

2. Fine is applied as an additional penalty to persons who commit corruption or drug-related crimes or other crimes prescribed by this Code.

3. The fine level shall depend on the nature and seriousness of the crimes committed and take into account the property situation of the offenders and the fluctuation of prices, but must not be lower than one million dong.

4. The fine money can be paid in a lump sum or installments within the time limits decided by the courts in judgments.

#### **Article 31.- Non-custodial reform**

1. Non-custodial reform of between six months and three years applies to persons committing less serious crimes or serious crimes prescribed by this Code who have stable working places or clear residence places if it is deemed unnecessary to separate the offenders from society.

If a sentenced person has been held in custody and/or detained, the time spent in custody and/or detention shall

be subtracted from the total period of their non-custodial reform, with one day of custody and/or detention being equal to three days of non-custodial reform.

2. The courts shall assign the persons subject to non-custodial reform to the agencies or organizations where such persons work or to the authorities of the places where such persons permanently reside for supervision and education. The sentenced persons' families shall have to coordinate with agencies, organizations and local authorities in the supervision and education of such persons.

3. The sentenced persons shall have to perform a number of duties according to the provisions on non-custodial reform and be subject to between 5% and 20% deduction of their incomes for remittance into the State's fund. For special cases, the courts may order the exemption of income deduction, but must clearly inscribe the reasons for such exemption in the judgment.

#### **Article 32. - Expulsion**

Expulsion means to order sentenced foreigners to depart from the territory of the Socialist Republic of Vietnam.

Expulsion is applied by courts either as a principal penalty or an additional penalty, depending on each specific case.

#### **Article 33.- Termed imprisonment**

Termed imprisonment means forcing the sentenced persons to serve their penalties at detention camps for a certain period of time. The termed imprisonment for persons who commit one crime shall range from the minimum level of three months to the maximum level of twenty years.

Time spent in custody and/or detention prior to sentencing shall be subtracted from the duration of the term of imprisonment penalty with one day of custody and/or detention being equal to one day of imprisonment.

#### **Article 34.-Life imprisonment**

Life imprisonment is the penalty of indefinite imprisonment applicable to persons who commit particularly serious crimes, but not so as to warrant being sentenced to death. Life imprisonment shall not apply to juvenile offenders.

**Article 35.-Death penalty**

Death penalty is a special penalty only applied to persons committing particularly serious crimes.

Death penalty shall not apply to juvenile offenders, pregnant women and women nursing children under 36 months old at the time of committing crimes or being tried. Death penalty shall not apply to pregnant women and women nursing their children under 36 months old. For these cases, the death penalty shall be converted into life imprisonment.

In cases where persons sentenced to death enjoy commutation, the death penalty shall be converted into life imprisonment.

**Article 36.-Ban from holding certain posts, ban from practicing certain occupations or doing certain jobs**

The ban from holding certain posts, ban from practicing certain occupations or doing certain jobs shall apply when it is deemed that to allow the sentenced persons to hold such posts, practice such occupations or do such jobs, may cause harm to society.

The ban duration ranges from one year to five years from the date the imprisonment penalty is completely served or the judgment takes legal effect if the principal penalty is a warning, fine, non-custodial reform or in cases where persons are sentenced to a suspended sentence.

**Article 37.- Ban from residence**

Ban from residence means forcing persons sentenced to imprisonment not to take temporary or permanent residence in certain localities.

The residence ban duration ranges from one year to five years from the date the imprisonment penalty is completely served.

**Article 38.-Probation**

Probation means forcing the sentenced persons to reside, earn their living and reform themselves in a certain locality under the supervision and education of the local administration and people. During the probation period, the sentenced persons must not leave their residence places and are deprived of a number of civic rights according to Article 39 of this Code and banned from practicing certain occupations or doing certain jobs.

Probation applies to persons who commit crimes infringing upon national security, dangerous recidivists or in other cases stipulated by this Code.

The probation duration ranges from one year to five years from the date the imprisonment penalty is completely served.

#### **Article 39.- Deprivation of certain civic rights**

1. A Vietnamese citizen sentenced to imprisonment for his/her crime of infringing upon national security or committing another crime prescribed by this Code shall be deprived of the following civic rights:

a) The right to stand for election and to elect deputies to the State power bodies;

b) The right to work in the State bodies and to render service in the people's armed forces.

2. The time limits for civic right deprivation range from one year to five years after the imprisonment penalty is completely served or the judgment takes legal effect in cashew where the sentenced person enjoys a suspended sentence.

#### **Article 40.- Confiscation of property**

Confiscation of property means to confiscate part or whole of the sentenced person's property for remittance into the State's fund. The property confiscation shall apply only to persons sentenced for serious crimes, very serious crimes or particularly serious crimes prescribed by this Code.

When all their property is confiscated, the sentenced persons and their families shall still be left with conditions to live.

## **Chapter VI**

### **JUDICIAL MEASURES**

#### **Article 41.- Confiscation of objects and money directly related to crimes**

1. The property confiscation for State funds shall apply to:

- a) Tools and means used for the commission of crimes;
- b) Objects or money acquired through the commission of crime or the trading or exchange of such things;
- c) Objects banned from circulation by the State.

2. Things and/or money illegally seized or used by offenders shall not be confiscated but returned to their lawful owners or managers.

3. Things and/or money of other persons, if these persons are at fault in letting offenders use them in the commission of crimes, may be confiscated for State funds.

#### **Article 42.- Return of property, repair or compensation for damage; compelling to make public apologies**

1. Offenders must return appropriated property to their lawful owners or managers and repair or compensate for material damage determined as having been caused by their offenses.

2. In case of moral damage caused by the offense, the court shall compel the offenders to make material compensation and public apologies to the victims.

#### **Article 43.- Compulsory medical treatment**

1. For persons who commit acts dangerous to society while they are suffering from the diseases prescribed in Clause 1, Article 13 of this Code, depending on the procedural stages, the procuracies or the court, basing themselves on the conclusion of the Medical Examination Council, may decide to send them to specialized medical establishments for compulsory medical treatment; if deeming it unnecessary to send them to specialized medical establishments, it may

assign such persons to the care of their families or guardians under the supervision of competent State bodies.

2. For persons who commit crimes while having penal liability capacity but, before being sentenced, they have suffered from illness to the extent of losing their cognitive capability or the capability to control their acts, the courts, basing themselves on the conclusion of the Medical Examination Council, may decide to send them to specialized medical establishment for compulsory treatment. After their recovery from illness, such persons may bear penal liability.

3. For persons who are serving their penalties but are suffering from illness to the extent of losing their cognitive capability or the capability to control their acts, the courts, basing themselves on the conclusion of the Medical Examination Council, may decide to send them to specialized medical establishments for compulsory treatment. After their recovery from illness, such persons shall continue serving their penalties, if they have no reasons for exemption from serving their penalties.

#### **Article 44.- The compulsory medical treatment duration**

Based on the conclusion of the medical treatment establishments, if the persons compelled to have medical treatment as provided for in

Article 43 of this Code have recovered from illness, depending on the procedural stages, the procuracies or the courts shall consider and decide to suspend the application of this measure. The compulsory medical treatment duration shall be subtracted from the term of imprisonment imposed.

### **Chapter VII**

#### **DECIDING PENALTIES**

#### **Article 45. - Bases for deciding penalties**

When deciding penalties, the courts shall base themselves on the provisions of the Penal Code, taking into consideration the nature and extent of danger posed to society by the acts of offense, the personal records of the offenders, and any circumstances that extenuate or aggravate the penal liability.

**Article 46.- Circumstances extenuating penal liability**

1. The following circumstances are considered as extenuating the penal liability:

- a) Offenders have prevented and/or reduced the harm caused by their offenses;
- b) Offenders volunteer to repair, compensate for the damage or overcome the consequences;
- c) Crimes are committed in cases where it is beyond the limit of legitimate defense;
- d) Crimes are committed in cases where it is beyond the requirements of the urgent situation;
- e) Crimes are committed in cases where offenders are mentally incited by the illegal acts of the victims or other persons;
- f) Crimes are committed due to particular difficulty plights not caused by themselves;
- g) Crimes are committed but no damage or minor damage is caused;
- h) Crimes are committed by first time offenders and in cases of less serious crimes;
- i) Crimes are committed due to threats and/or coercion by other persons;
- j) Crimes are committed due to ignorance;
- k) Offenders are pregnant women;
- l) Offenders are aged persons;
- m) Offenders are persons suffering from illnesses that restrict their cognitive capability or the capability to control their acts;
- n) Offenders give themselves up;

o) Offenders make honest declarations and reports and show their repentance;

p) Offenders who actively help responsible bodies detect and investigate the crimes;

q) The offenders have redeemed their faults with achievements;

r) The offenders are persons who have recorded outstanding achievements in production, combat, study or work.

2. When deciding penalties, the court may also consider other circumstances as extenuating, but must clearly inscribe them in the judgment.

3. The extenuating circumstances which have been prescribed by the Penal Code as signs for determining crimes or determining the penalty bracket shall not be considered extenuating circumstances for the purpose of deciding penalties.

#### **Article 47.- Deciding penalties lighter than those prescribed by the Penal Code**

Where there exist at least two extenuating circumstances as provided in Clause 1, Article 46 of this Code, the courts may decide a penalty under the lowest level of the penalty bracket stipulated by the law, which, however, must lie within the adjacent lighter penalty bracket of the law; where the law contains only one penalty bracket or such penalty bracket is the highest penalty bracket of the law, the courts may decide a penalty below the lowest level of the bracket or move to another penalty of lighter category. The reasons for such reduction must be clearly inscribed in the judgment.

#### **Article 48.- Circumstances aggravating the penal liability**

1. Only the following circumstances are considered circumstances aggravating penal liability:

a) Committing crimes in an organized manner;

b) Committing crimes in a professional manner;

c) Abusing positions and powers in order to commit crimes;

- d) Committing crimes in a hooligan manner;
- e) Committing crimes with despicable motivation;
- f) Intentionally carrying out crimes to the end;
- g) Re-offending, recidivism, dangerous recidivism;
- h) Committing crimes against children, pregnant women, aged persons, persons unable to defend themselves or persons dependent on offenders in material and/or moral conditions, work or other ways;
- i) Infringing upon the State's property;
- j) Committing crimes causing serious, very serious or particularly serious consequences;
- k) Taking advantage of war conditions, emergency situations, natural calamities, epidemics or other special difficulties of society in order to commit crimes;
- l) Using treachery or, cruel tricks to commit crimes and/or using means capable of causing harm to many persons;
- m) Inciting juveniles to commit crimes;
- n) Committing treacherous and/or violent acts in order to shirk or conceal crimes.

2. Circumstances which are constituents of a crime or determine the penalty bracket shall not be considered aggravating circumstances.

**Article 49.- Recidivism, dangerous recidivism**

- 1. Recidivism means cases where offenders have been sentenced and have not yet had their criminal records wiped out but again commit crimes intentionally or commit very serious crime or particularly serious crimes unintentionally.
- 2. The following cases are considered dangerous recidivism:
  - a) Offenders have been sentenced for very serious crimes or particularly serious crimes committed intentionally, have

not yet had their criminal records wiped out but again  
commit very serious crimes  
or particularly serious crimes unintentionally;

b) Offenders have relapsed into crime, not yet had their  
criminal records wiped out but again commit crimes  
intentionally.

**Article 50.- Deciding penalties in cases where more than  
one crime is committed**

When trying a person who has committed more than one crime,  
the court shall decide a penalty for each crime, then  
augment the penalties according to the following  
regulations:

1. With regard to principal penalties

a) If the penalties already declared are all non-custodial  
reform or all termed imprisonment, such penalties shall be  
added together into a common penalty; the common penalty  
must not exceed three years for non-custodial reform, and  
thirty years for termed imprisonment;

b) If the penalties already declared are non-custodial  
reform and termed imprisonment, the non-custodial reform  
shall be converted into imprisonment penalties according to  
the ratio that three days of non-custodial reform shall be  
converted into one day of imprisonment in order to make the  
common penalty as prescribed at Point a, Clause 1 of this  
Article;

c) If the heaviest penalty among the already declared  
penalties is life imprisonment, the common penalty shall be  
life imprisonment;

d) If the heaviest penalty among the already declared  
penalties is the death sentence, the common penalty shall  
be the death sentence;

e) Pecuniary penalties shall not be augmented with other  
types of penalty; the fine amounts shall be added up into  
the common fine;

f) Expulsion shall not be augmented with other types of  
penalty.

2. For additional penalties

a) If the already declared penalties are of the same type, the common penalty shall be decided within the time limit prescribed by this Code for such type of penalty; particularly for pecuniary penalties, the fine amounts shall be added up into the common fine;

b) If the already declared penalties are of different types, the sentenced persons shall have to serve all the declared penalties.

**Article 51.- To augment penalties of many judgments**

1. In cases where a person who is serving a sentence is tried for a crime which had been committed before such sentence, the court shall decide the penalty for the crime being tried, and then decide the common penalty as provided for in Article 50 of this Code.

The time served for the previous sentence shall be deducted from the term of the common penalty.

2. When a person who is serving a sentence and commits a new crime is tried, the court shall decide the penalty for the new crime, then add it to the remainder of the previous sentence before deciding the common penalty as provided for in Article 50 of this Code.

3. In cases where a person has to serve many sentences which have already taken legal effect while the penalties have not yet been augmented, the chief judge of the Court shall decide the augmentation of the sentences as provided for in Clause 1 and Clause 2 of this Article.

**Article 52.- Deciding penalties in case of preparation for crime commission, incompleting commission of crime**

1. For acts of preparing to commit crimes and acts of committing incomplete crimes, the penalties shall be decided according to the provisions of this Code on corresponding crimes, depending on the nature and the extent of danger to the society of such acts, the extent of realizing the intention to commit crimes and other circumstances that make the crimes not carried out to the end.

2. For cases of preparing to commit crimes, if the applicable law provision stipulates the highest penalty is life imprisonment or the death sentence, the applicable highest penalty shall not exceed twenty years of imprisonment; if it is termed imprisonment, the penalty shall not exceed half of the imprisonment term prescribed by the law provision.

3. For cases of incomplete offense, if the applicable law provision stipulates the highest penalty being the life imprisonment or death sentence, these penalties can only apply to particularly serious cases; if it is termed imprisonment, the penalty level shall not exceed three quarters of the imprisonment term prescribed by the law provision.

#### **Article 53. - Deciding penalties in cases of complicity**

When deciding penalties for accomplices, the court shall take into account the nature of complicity and the nature and extent of involvement of each accomplice.

Extenuating, aggravating or penal liability exemption circumstances of any accomplice shall only apply to such accomplice.

#### **Article 54.- Penalty exemption**

Persons who commit crime may be exempt from penalties in case where the crime commission involves many extenuating circumstances as provided by Clause 1, Article 46 of this Code, deserving special leniency, but not to the extent of penal liability exemption.

### **Chapter VIII**

#### **STATUTE OF LIMITATION FOR EXECUTION OF JUDGEMENT, EXEMPTION FROM THE PENALTY EXECUTION, REDUCTION OF PENALTY TERM**

#### **Article 55.- Statute of limitation for judgment execution**

1. The statute of limitation for execution of a criminal judgment is the time limit prescribed by this Code upon the expiry of which the sentenced person shall not have to abide by the declared judgment.

2. The statute of limitation for execution of a criminal judgment is stipulated as follows:

a) Five years for cases of pecuniary penalty, non-custodial reform or imprisonment of three years or less;

b) Ten years for cases of imprisonment of between over three years and fifteen years;

c) Fifteen years for cases of imprisonment of between over fifteen years and thirty years.

3. The statute of limitation for execution of a criminal judgment shall be calculated from the date the judgment takes legal effect. If during the time limits prescribed in Clause 2 of this Article, the sentenced person again commits a new crime, the past duration shall not be counted and the statute of limitations shall be recalculated as from the date the new crime was committed.

If during the time limits provided for in Clause 2, this Article, the sentenced person deliberately escapes and is the subject of a search warrant, the duration of escape shall not be counted and the statute of limitation shall be recalculated as from the date such person surrenders him/herself or is arrested.

4. The application of statute of limitation to cases of life imprisonment or death sentence, after going through the period of fifteen years, shall be decided by chairman of the Supreme People's Court at the request of the chairman of the Supreme People's Procuracy. In cases where the application of the statute of limitation is not allowed, the death penalty shall be converted into the life imprisonment and the life imprisonment into thirty years of imprisonment.

**Article 56.- Non-application of statute of limitations for execution of judgment**

The statute of limitation for judgment execution shall not apply to crimes prescribed in Chapter XI and Chapter XXIV of this Code.

**Article 57.- Exemption from penalty execution**

1. For persons sentenced to non-custodial reform, termed imprisonment, who have not executed their judgments but have recorded great achievements or suffered from dangerous disease and if such persons are no longer dangerous to the society, the court may decide, at the proposal of the Procuracy director, to exempt the person from the execution of the entire penalty.

2. Sentenced persons shall be exempt from penalty execution when they are granted a special parole or general amnesty.

3. For persons sentenced to imprisonment for less serious crimes who have been entitled to a reprieve as provided for in Article 61 of this Code, if during the period of reprieve they have recorded great achievements, the court, at the proposal of the Procuracy director, may decide to exempt them from penalty execution.

4. For persons sentenced for less serious crimes who have been entitled to a temporary suspension as provided for in Article 62 of this Code, if during the period of temporary suspension they have recorded great achievements, the court, at the proposal of the Procuracy director, may decide to exempt them from the execution of the remainder of their penalties.

5. For persons who are penalized with a ban on residence or probation, if they have served half of their penalties term and re-habilitated themselves, the court, at the proposal of the administration of the localities where such persons serve their penalties, may decide to exempt them from the execution of the remaining half of their penalties.

#### **Article 58.- Reduction of the declared penalties**

1. For persons sentenced to non-custodial reform, if having served the penalty for a given period and made progress, the court, at the proposal of the agencies, organizations or local administration which have been assigned the responsibility to directly supervise and educate them, may decide to reduce the penalty term.

For persons sentenced to imprisonment, if having served the penalty for a given period and made progress, the courts, at the proposal of the imprisonment enforcement agencies, may decide to reduce the penalty term.

The time for which the penalty has been served in order to be considered for the first reduction shall represent one-third of the term for the non-custodial reform, for imprisonment of thirty years or under, and twelve years for life imprisonment.

2. For persons sentenced to pecuniary penalty who have served a part of their respective penalties but fell into a prolonged particularly difficult economic situation due to natural calamities, fires, accidents or ailments which render them unable to continue serving the remainder of the penalties, or who have recorded great achievements, the courts, at the proposal of the directors of the procuracies, may decide to exempt them from the execution of the remainder of their pecuniary penalties.

3. A person may be entitled to many reductions but have to execute half of the declared penalty. For persons sentenced to life imprisonment, the sentence shall be commuted for the first time to thirty years of imprisonment and despite many reductions, the actual duration of penalty served must be a minimum of twenty years.

4. For persons who have enjoyed partial reduction of their penalty but again committed new serious, very serious or particularly serious crimes, the courts shall consider the reduction for the first time after such persons have already served two-thirds of their common penalty or twenty years if it is life imprisonment.

#### **Article 59.- Reduction of penalty term in special cases**

For convicted persons who deserve additional leniency for reasons such as recording achievements, being too old and weak or suffering from dangerous diseases, the courts may consider the reduction at an earlier time or with higher levels compared with the time and levels prescribed in Article 58 of this Code.

#### **Article 60.-Suspended sentence**

1. When handing down a sentence of of imprisonment, not exceeding three years the court shall, basing itself on the personal identification of the offender and extenuating circumstances, and if deeming it unnecessary to impose an imprisonment penalty, hand down a suspended sentence and set a period under test from one to five years.

2. During the test period, the court shall assign the offender to the agency or organization where such person works or the administration of the locality where he/she permanently resides for supervision and education. The convicted person's family has the responsibility to coordinate with the agency, organization or local administration in supervising and educating such person.

3. The persons entitled to suspended sentence may be subject to additional penalties including fines, ban from holding certain posts, practicing certain occupations or doing certain jobs as prescribed in Article 30 and Article 36 of this Code.

4. For persons entitled to suspended sentence who have served half of the probation time and made progress, at the proposals of the agencies and organizations which have the responsibility to supervise and educate them, the court may decide to shorten the probation period.

5. For persons entitled to suspended sentence who commit new crimes during their probation period, the courts shall decide the compulsory execution of the penalty of the previous sentence and sum it up with the penalty of the new sentence as provided for in Article 51 of this Code.

**Article 61.- Postponing the serving of imprisonment penalty**

1. Persons sentenced to imprisonment may be entitled to a reprieve in the following cases where:

a) They suffer from serious illness; they shall be entitled to a reprieve until their recovery;

b) Women who are pregnant or nursing their children of under 36 months old, shall be entitled to a postponement of their penalty until their children reach the age of 36 months;

c) They are the only laborers in their respective families and if they serve the imprisonment penalty their families shall meet with special difficulties, they shall be entitled to the postponement for up to one year, except where they are sentenced for crimes of infringing upon the national security or other very serious or particularly serious crimes;

d) They are sentenced for less serious crimes and due to the requirements of official duties, they shall be entitled to the postponement for up to one year.

2. If during the period of reprieve the person entitled thereto commits a new crime, the court shall force such person to serve the previous penalty and add it to the penalty of the new judgment as prescribed in Article 51 of this Code.

#### **Article 62.-Suspending the imprisonment penalty**

1. Persons who are serving imprisonment penalties and fall into one of the cases prescribed in Clause 1, Article 61 of this Code, may be entitled to a temporary suspension of their imprisonment penalties.

2. The time of temporary suspension must not be calculated into the penalty serving term.

### **Chapter IX REMISSION OF CRIMINAL RECORDS**

#### **Article 63.-Remission of criminal records**

Convicted persons shall have their criminal records wiped out according to the provisions in Articles 64 to 67 of this Code. Persons entitled to criminal record remission shall be considered as having not been convicted and granted certificates by the court.

#### **Article 64.-Automatic remission of criminal records:**

The following persons shall automatically have their criminal records wiped out:

1. Persons who are exempt from penalties.

2. Persons charged with crimes other than those defined in Chapter XI and Chapter XXIV of this Code, if after completely serving their sentences or after the expiry of the statute of limitation for execution of the sentences, such persons do not commit new crimes within the following time limits:

a) One year in the case of being penalized with warning, fine, non-custodial reform or suspended sentence;

b) Three years in the case of imprisonment of up to three years;

c) Five years in the case of imprisonment of between over three years and fifteen years;

d) Seven years in the case of imprisonment of over fifteen years.

**Article 65.-Criminal record remission by the court's decision**

1. The courts decide the criminal record remission for persons charged with crimes defined in Chapter XI and Chapter XXIV of this Code, depending on the nature of the committed offenses, their personal identification, their attitude towards law observance and labor behavior of the convicted persons in the following cases:

a) They have been sentenced to imprisonment for up to three years without committing new crimes within three years of completing their sentences or after the expiry of the statute of limitation for the execution of the sentences;

b) They have been sentenced to imprisonment for between over three years and fifteen years without committing new crimes within seven years of completing their sentences or after the expiry of the statute of limitation for the execution of the sentences;

c) They have been sentenced to imprisonment for over fifteen years without committing new crimes within ten years of completing their sentences or the expiry of the statute of limitation for execution of the sentences.

2. A person whose application for criminal record remission is rejected by the court for the first time must wait one more year before making another application therefore; if the application is rejected for the second time, he/she must wait for two years before applying for the criminal record remission.

**Article 66.-Criminal record remission in special cases**

Where a convicted person shows signs of marked progress and has made good achievements and is recommended for criminal

record remission by the agency or organization where he/she works or the administration of the locality where he/she permanently resides, he/she may have his/her criminal record wiped out by the court if such person has served at least one-third of their prescribed term.

**Article 67.-Method of calculating time limit for criminal record remission**

1. The time limit for criminal record remission stipulated in Article 64 and Article 65 of this Code shall be based on the principal penalty already declared.
2. If a person whose criminal record has not yet been expunged commits a new crime, the time limit for remitting the previous criminal record shall be calculated from the date of completely serving the new judgment.
3. The complete serving of a judgment shall cover the complete serving of the principal penalty, the additional penalty and any other decisions of the judgment.
4. A person who is exempt from serving the rest of his/her penalty shall also be considered as having completely served the penalty.

**Chapter X**

**PROVISIONS APPLICABLE TO JUVENILE OFFENDERS**

**Article 68. - Application of the Penal Code to juvenile offenders**

Juvenile offenders are offenders who are aged between full 14 years and under 18 years. They shall bear penal liability under the provisions of this Chapter as well as the provisions of the General Part of this Code which are not contrary to the provisions of this Chapter.

**Article 69.- Principles for handling juvenile offenders**

1. The handling of juvenile offenders aims mainly to educate and help them redress their wrongs, develop healthily and become citizens useful to society.

In all cases of investigation, prosecution and adjudication of criminal acts committed by juveniles, the competent

State agencies shall have to determine their capability of being aware of the danger to society of their criminal acts and the causes and conditions relating to such criminal acts.

2. Juvenile offenders may be exempt from penal liability if they commit less serious crimes or serious crimes which cause no great harm and involve many extenuating circumstances and they are received for supervision and education by their families, agencies or organizations.

3. The penal liability examination and imposition of penalties on juvenile offenders shall only apply to cases of necessity and must be based on the nature of their criminal acts, their personal characteristics and crime prevention requirements.

4. The courts, if deeming it unnecessary to impose penalties on juvenile offenders, shall apply one of the judicial measures prescribed in Article 70 of this Code.

5. Life imprisonment or the death sentence shall not be imposed on juvenile offenders. When handing down sentences of termed imprisonment, the courts shall impose on them lighter sentences than those imposed on adult offenders of the corresponding crimes.

Pecuniary punishment shall not apply to juvenile offenders who are from full 14 to less than 16 years old. Additional penalties shall not apply to juvenile offenders.

6. The judgment imposed on juvenile offenders aged less than 16 years shall not be taken into account for determining recidivism or dangerous recidivism.

#### **Article 70.- Judicial measures applicable to juvenile offenders**

1. In the case of juvenile offenders, the courts may decide the application of one of the following judicial measures of educative and preventive character:

- a) Education at communes, wards or district towns;
- b) Sending them to reformatory schools.

2. The courts may apply the commune/ward/district town-based education measure for between one and two years to juvenile offenders of less serious crimes or serious crimes.

Persons placed under the commune/ward/district town-based education must fulfill their obligations on study and labor, abide by laws under the supervision of and education by the local commune/ward/district town administration or social organizations assigned such responsibility by the courts.

3. The court may apply the measure of sending juvenile offenders to reformatory schools for between one and two years if it is deemed that due to the seriousness of their offenses, their personal identification and living environment, such persons should be sent to reeducation organizations with strict disciplines.

4. If persons subject to education at communes, wards or district towns or persons sent to reformatory schools have already served half of the term decided by the courts and made good progress, the courts, at the proposal of the agencies, organizations or schools assigned the responsibility of supervising and educating them, may decide the termination of the duration of education at communes, wards, district towns or the duration at reformatory schools.

#### **Article 71.-Penalties applicable to juvenile offenders**

The juvenile offenders shall be subject to one of the following penalties for each offense:

1. Warning;
2. Fine;
3. Non-custodial reform;
4. Termed imprisonment.

#### **Article 72.- Fine**

Fine shall be applied as a principal penalty to juvenile offenders aged full 16 years and under 18 years, if such persons have income or private property.

The fine levels applicable to juvenile offenders shall not exceed half of the fine level prescribed by the relevant law provision.

**Article 73.-Non-custodial reform**

When applying non-custodial reform to juvenile offenders, the income of such persons shall not be deducted.

The non-custodial reform duration for juvenile offenders shall not exceed the term prescribed by the relevant law provision.

**Article 74.-Termed imprisonment**

The juvenile offenders shall be penalized with termed imprisonment according to the following regulations:

1. For persons aged between full 16 and under 18 when they committed crimes, if the applicable law provisions stipulate life imprisonment or the death sentence, the highest applicable penalty shall not exceed eighteen years of imprisonment; if it is termed imprisonment, the highest applicable penalty shall not exceed three quarters of the prison term prescribed by the law provision;
2. For persons aged full 14 to under 16 when committing crimes, if the applicable law provisions stipulate the life imprisonment or death sentence, the highest applicable penalty shall not exceed twelve years; if it is the termed imprisonment, the highest applicable penalty shall not exceed half of the prison term prescribed by the law provision.

**Article 75. - Augmentation of penalties in cases of committing multiple crimes**

For a person who commits more than one crime, of which some were committed before he/she reaches the age of 18, penalty augmentation shall apply as follows:

1. If the most serious crime is committed before he/she reaches the age of 18 years, the common penalty shall not exceed the highest level prescribed in Article 74 of this Code;

2. If the most serious crime is committed when such person has reached the age of 18 years, the common penalty shall be the same as that applicable to adult offenders.

**Article 76. - Reduction of penalties already declared**

1. If juvenile offenders, who are subject to non-custodial reform or imprisonment, have made good progress and already served one-quarter of their term, they shall be considered by the court for penalty reduction; particularly for imprisonment, their penalty can be reduced each time by four years but only if they have already served two-fifths of the declared penalty term.

2. If juvenile offenders, who are subject to non-custodial reform or imprisonment, have recorded achievements or suffered from dangerous illnesses, they shall be immediately considered for penalty reduction and may be exempt from serving the remainder of their penalty.

3. For juvenile offenders who are subject to pecuniary penalty but fall into prolonged economic difficulties due to natural calamities, fires, accidents or ailments or who have recorded great achievements, the courts, at the proposal of the directors of the procuracies, may decide to reduce or exempt them from the remainder of the pecuniary penalty.

**Article 77.- Remission of criminal records**

1. The time limit for criminal record remission for juvenile offenders shall be half of the time limits prescribed in Article 64 of this Code.

2. Juvenile offenders subject to judicial measures stipulated in Clause 1, Article 70 of this Code, shall be considered as having no criminal records.

**CRIMES**

**Chapter XI CRIMES OF INFRINGING UPON NATIONAL SECURITY**

**Article 78.- High treason**

1. Any Vietnamese citizen acting in collusion with a foreign country with a view to causing harm to the independence, sovereignty, unity and territorial integrity

of the Fatherland, the national defense forces, the socialist regime or the State of the Socialist Republic of Vietnam shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.

2. In the event of many extenuating circumstances, the offenders shall be subject to between seven and fifteen years of imprisonment.

Article 79.- Carrying out activities aimed at overthrowing the people's administration

Those who carry out activities, establish or join organizations with intent to overthrow the people's administration shall be subject to the following penalties:

1. Organizers, instigators and active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment;

2. Other accomplices shall be subject to between five and fifteen years of imprisonment.

**Article 80.- Spying**

1. Those who commit one of the following acts shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment:

a) Conducting intelligence and/or sabotage activities or building up bases for intelligence and/or sabotage activities against the Socialist Republic of Vietnam;

b) Building up bases for intelligence and/or sabotage activities at the direction of foreign countries; conducting scouting, informing, concealing, guiding activities or other acts to help foreigners conduct intelligence and/or sabotage activities;

c) Supplying or collecting for the purpose of supplying State secrets to foreign countries; gathering or supplying information and other materials for use by foreign countries against the Socialist Republic of Vietnam.

2. In case of less serious crimes, the offenders shall be sentenced to between five and fifteen years of imprisonment.

3. Persons who agree to act as spies but do not realize their assigned tasks and confess, truthfully declare and report such to the competent State bodies shall be exempt from penal liability.

#### **Article 81.- Infringing upon territorial security**

Those who infiltrate into the territory, commit acts of falsifying national borders or committing other acts in order to cause harm to the territorial security of the Socialist Republic of Vietnam shall be penalized as follows:

1. Organizers, active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment;

2. Other accomplices shall be sentenced to between five and fifteen years of imprisonment.

#### **Article 82.- Rebellion**

Those who conduct armed activities or resort to organized violence with a view to opposing the people's administration shall be penalized as follows:

1. Organizers, active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.

2. Other accomplices shall be sentenced to between five and fifteen years of imprisonment.

#### **Article 83.- Conducting banditry activities**

Those who intend to oppose the people's administration by conducting armed activities in mountainous, marine and other difficult to access areas, murdering people and looting or destroying property shall be penalized as follows:

1. Organizers, active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment;
2. Other accomplices shall be sentenced to between five and fifteen years of imprisonment.

#### **Article 84.-Terrorism**

1. Those who intend to oppose the people's administration and infringe upon the life of officials, public employees or citizens shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.
2. In the case of committing crimes by infringing upon physical freedom and/or health, the offenders shall be sentenced to between five and fifteen years of imprisonment.
3. In the case of committing crimes by threatening to infringe upon life or committing other acts of moral intimidation, the offenders shall be sentenced to between two and seven years of imprisonment.
4. Those who terrorize foreigners in order to cause difficulties ton the international relations of the Socialist Republic of Vietnam shall also be penalized according to this Article.

#### **Article 85.- Sabotaging the material-technical foundations of the Socialist Republic of Vietnam**

1. Those who intend to oppose the people's administration by sabotaging the material- technical foundations of the Socialist Republic of Vietnam in the political, security, defense, scientific-technical, cultural or social fields shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.
2. In the case of committing less serious crimes, the offenders shall be sentenced to between five and fifteen years of imprisonment.

#### **Article 86.- Undermining the implementation of socio-economic policies**

1. Any persons who oppose the people's administration by undermining the implementation of socio-economic policies shall be sentenced to between seven and twenty years of imprisonment.

2. In the case of committing less serious crimes, the offenders shall be sentenced to between three and seven years of imprisonment.

**Article 87.- Undermining the unity policy**

1. Those who commits one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:

a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;

b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;

c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;

d) Undermining the implementation of policies for international solidarity.

2. In case of committing less serious crimes, the offenders shall be sentenced to between two and seven years of imprisonment.

**Article 88.-Conducting propaganda against the Socialist Republic of Vietnam**

1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment:

a) Propagating against, distorting and/or defaming the people's administration;

b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;

c) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.

2. In the case of committing less serious crimes, the offenders shall be sentenced to between ten and twenty years of imprisonment.

**Article 89.- Disrupting security**

1. Those who intend to oppose the people's administration by inciting, involving and gathering many people to disrupt security, oppose officials on public duties, obstruct activities of agencies and/or organizations, which fall outside the cases stipulated in Article 82 of this Code, shall be sentenced to between five and fifteen years of imprisonment.

2. Other accomplices shall be sentenced to between two and seven years of imprisonment.

**Article 90.-Destroying detention camps**

1. Those who intend to oppose the people's administration by destroying detention camps, organizing escapes from detention camps, rescuing detainees or escorted persons or escaping from detention camps shall be sentenced to between ten and twenty years of imprisonment or life imprisonment.

2. In the case of committing less serious crimes, the offenders shall be sentenced to between three and ten years of imprisonment.

**Article 91.- Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration**

1. Those who flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between three and twelve years of imprisonment.

2. Organizers, coercers and instigators shall be sentenced to between five and fifteen years of imprisonment.

3. In the case of committing particularly serious crimes, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment.

## **Article 92.- Additional penalties**

Persons who commit crimes defined in this Chapter shall also be deprived of a number of civic rights for between one year and five years, subject to probation, residence ban for between one year and five years, confiscation of part or whole of the property.

## **Chapter XII**

### **CRIMES OF INFRINGING UPON HUMAN LIFE, HEALTH, DIGNITY AND HONOR**

#### **Article 93.- Murder**

1. Those who commit murder in one of the following cases shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment:

- a) Murder of more than one person;
- b) Murder of women who are known by the offender to be pregnant;
- c) Murder of children;
- d) Murder of persons being on public duties or for reason of the victims' public duties;
- e) Murder of one's grand father, grand mother, father, mother, fosterer, and/or teachers;
- f) Murder of people just before or after which a serious crime or a particularly serious crime is committed by the offender;
- g) Murder of people in order to carry out or conceal other crimes;
- h) Murder of people in order to take organs from the victims' bodies;
- i) Committing crimes in a barbarous manner;
- j) Committing crimes by abusing their profession;

k) Committing crimes by methods, which may cause death to more than one person;

l) Hiring murderers or murdering persons for hiring;

m) Committing crimes in a hooligan manner;

n) Committing crimes in an organized manner;

o) Committing dangerous recidivism;

p) Murder of people for despicable motivation.

2. Those committing crimes which do not fall into those cases stipulated in Clause 1 of this Article, shall be sentenced to between seven and fifteen years of imprisonment.

3. Offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years, subject to probation or residence ban for between one and five years.

#### **Article 94.- Murdering one's new-born**

Any mother who, due to strong influence of backward ideology or special objective circumstances, kills her new-born or abandons such baby to death, shall be sentenced to non-custodial reform for up to two years or to between three months and two years of imprisonment.

#### **Article 95.-Murdering people under provocation**

1. Any person committing murder as a result of provocation caused by serious illegal acts of the victim towards such person or his/her next of kin shall be sentenced to between six months and three years of imprisonment.

2. Those who murder more than one person as a result of provocation shall be sentenced to between three and seven years of imprisonment.

#### **Article 96.-Murder beyond the limit of legitimate defense**

1. Those who commit murder in circumstances exceeding the limit of legitimate defense shall be sentenced to non-

custodial reform for up to two years or between three months and two years of imprisonment.

2. Those who commit murder of more than one person in excess of the limit of legitimate defense shall be sentenced to between two and five years of imprisonment.

**Article 97.-Causing death to people in the performance of official duties**

1. Those who, while performing their official duties, cause human death due to the use of violence beyond that permitted by law shall be sentenced to between two and seven years of imprisonment.

2. Those who commit crimes of causing death to more than one person or in other particularly serious cases shall be sentenced to between seven and fifteen years of imprisonment.

3. Offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 98.- Accidentally causing human death**

1. Any person who unintentionally causes the death of another person shall be sentenced to between six months' and five years of imprisonment.

2. Any person who unintentionally causes the death of more than one person shall be sentenced to between three and ten years of imprisonment.

**Article 99.- Accidentally causing human death due to breach of professional or administrative regulations**

1. Any person who unintentionally causes the death of another person due to a breach of professional or administrative regulations shall be sentenced to between one and six years of imprisonment.

2. Any person who commits the crime of unintentionally causing death of more than one person shall be sentenced to between five and twelve years of imprisonment.

3. Offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 100.- Forced suicide**

1. Any person who cruelly treats, constantly intimidates, ill-treats or humiliates a person dependent on him/her, inducing the latter to commit suicide, shall be sentenced to between two and seven years of imprisonment.

2. Any person who commits the crime of compelling more than one person to commit suicide shall be sentenced to between five and twelve years of imprisonment.

**Article 101.- Inciting or assisting other persons to commit suicide**

1. Any person who incites another person to commit suicide or assists another person to commit suicide shall be sentenced to imprisonment for between six months and three years.

2. Any person who commits the crime of assisting or inciting more than one person to commit suicide shall be sentenced to between two and seven years of imprisonment.

**Article 102.- Refusal to rescue people from life-threatening situation**

1. Those who knows other persons are in life-threatening danger but refuse to rescue them despite having the ability to do so, thus contributing to the latter's death shall be subject to warning or non-custodial reform for up to two years or a prison term between three months and two years.

2. Any person who commits such crime in one of the following circumstances shall be sentenced to between one year and five years of imprisonment:

a) The person who refuses to rescue the other person is the one who unintentionally causes the dangerous situation;

b) The person who refuses to rescue the other person is obliged to rescue people as required by law or his/her occupation.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 103.-Threatening to murder**

1. Those who threaten to kill other persons, in circumstances such as to make the latter believe that such threat shall be realized, shall be subject to non-custodial reform for up to two years or sentenced to between three months' and three years of imprisonment.

2. Any person who commits such crime in one of the following circumstances shall be sentenced to between two and seven years of imprisonment:

- a) Against more than one person;
- b) Against persons who are performing their official duties or for reasons related to the victims' official duties;
- c) Against children;
- d) To conceal or shirk the handling of another crime.

**Article 104.- Intentionally inflicting injury on or causing harm to the health of other persons**

1. Those who intentionally injure or causes harm to the health of other persons with an infirmity rate of between 11% and 30%, or under 11% but in one of the following circumstances, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment:

- a) Using dangerous weapons or tricks, causing harm to more than one person;
- b) Causing minor permanent maim to the victims;
- c) Committing the crime more than once against the same person or against more than one person;
- d) Committing the crime against children, pregnant women, old and weak or sick persons or other persons incapable of self-defense;

- e) Committing the crime against their own grand fathers, grand mothers, fathers, mothers, fosterers, teachers;
- f) Committing the crime in an organized manner;
- g) Committing the crime during time of custody, detention or whilst resident at re-education establishments;
- h) Hiring other persons to cause injury or being hired to cause injury;
- i) Being of hooligan character or dangerous recidivism;
- j) In order to obstruct the person performing official duty or for the reasons of the victim's official duty.

2. Committing the crime of inflicting injury on or causing harm to the health of, other persons with an infirmity rate of between 31% and 60%, or 11% and 30% but in one of the cases defined at Points from a to j, Clause 1 of this Article, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the crime of injuring or causing harm to the health of other persons with an infirmity rate of 61% or higher or leading to human death, or from 31% to 60% but in one of the cases defined at Points from a to j, Clause 1 or this Article, the offenders shall be sentenced to between five and fifteen years of imprisonment.

4. Committing the crime, thus leading to the death of more than one person or in other particularly serious cases, the offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment.

**Article 105.-Intentionally inflicting injury on or causing harm to the health of other persons due to strong provocation**

1. Those who intentionally injure or cause harm to the health of other persons with an infirmity rate of from 31% to 60% whilst provoked as a result of serious illegal acts of the victims towards such persons or their next of kin, shall be sentenced to warning, non-custodial reform for up to one year or between six months and two years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) Against more than one person;

b) Inflicting injury on or causing harm to the health of other persons with an infirmity rate of 61% or higher, or leading to human death or in other particularly serious cases.

**Article 106.- Intentionally inflicting injury on or causing harm to the health of, other persons due to an excess of legitimate defense limit**

1. Those who intentionally inflict injury on or cause harms to the health of other persons with an infirmity rate of 31% or higher or leading to human death due to the excess of legitimate defense limit shall be subject to warning, non-custodial reform for up to two years or to prison term of between three months and one year.

2. Committing the crime against more than one person, the offenders shall be sentenced to between one and three years of imprisonment.

**Article 107.- Inflicting injury on or causing harm to the health of other persons while performing official duty**

1. Those who, while performing their official duties, resort to violence outside the scope permitted by law, thus inflicting injury on or causing harm to the health of, other persons with an infirmity rate of 31% or higher shall be sentenced to non-custodial reform for up to three years or between three months' and three years of imprisonment.

2. Committing the crime against more than one person, the offenders shall be sentenced to between two years' and seven years of imprisonment.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 108.- Unintentionally inflicting injury on or causing harm to the health of other persons**

1. Those who unintentionally inflict injury on or cause harm to the health of other persons with an infirmity rate of 31% or higher shall be subject to warning, non-custodial reform for up to two years or imprisonment of between three months and two years.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 109.- Unintentionally inflicting injury on or causing harm to the health of other persons due to breach of professional or administrative regulations**

1. Those who unintentionally inflict injury on or cause harm to the health of other persons with an infirmity rate of 31% or higher due to a breach of professional or administrative regulations shall be sentenced to between six months' and three years of imprisonment.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 110.- Ill-treating other persons**

1. Those who cruelly treat persons dependent on them shall be subject to warning, non-custodial reform for up to one year or imprisonment of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one year and three years of imprisonment:

a) Against aged persons, children, pregnant women or disabled persons;

b) Against more than one person.

**Article 111.- Rape**

1. Those who use violence, threaten to use violence or take advantage of the victims' state of being unable for self-defense or resort to other tricks in order to have sexual intercourse with the victims against the latter's will shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Against a person whom the offender has the responsibility to look after, educate and/or medically treat;
- c) More than one person rapes a person;
- d) Committing the crime more than once;
- e) Against more than one person;
- f) Being of an incestuous nature;
- g) Making the victim pregnant;
- h) Causing harm to the health of the victim with an infirmity rate of between 31% and 60%;
- i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offender shall be subject to between twelve and twenty years of imprisonment, life imprisonment or capital punishment:

- a) Causing harm to the health of the victim with an infirmity rate of 61% or higher;
- b) Committing the crime even though the offenders know that they are infected with HIV;
- c) Causing death to the victim or causing the victim to commit suicide.

4. Committing rape against a juvenile aged between full 16 and under 18 years old, the offenders shall be sentenced to between five and ten years of imprisonment.

Committing the crime in one of the circumstances stipulated in Clause

2 or Clause 3 of this Article, the offenders shall be subject to the penalties specified in such clauses.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 112.- Rape against children**

1. Those who rape children aged between full 13 years and under 16 years shall be sentenced to between seven and fifteen years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between twelve and twenty years of imprisonment:

- a) Being of incestuous nature;
- b) Making the victim pregnant;
- c) Causing harms to the victim's health with an infirmity rate of between 31% and 60%;
- d) Against a person whom the offender has the responsibility to look after, educate or medically treat;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offender shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) In an organized manner;
- b) More than one person rapes a person;
- c) Committing the crime more than once;
- d) Committing the crime against more than one person;
- e) Causing harms to the victim's health with an infirmity rate of 61% or higher;
- f) Committing the crime though the offenders know that they are infected with HIV;

g) Causing death to the victim or causing the victim to commit suicide.

4. All cases of having sexual intercourse with children under 13 years old are considered rape against children and the offenders shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for from one to five years.

### **Article 113.-Forcible sexual intercourse**

1. Those who employ trickery to induce persons dependent on them or persons being in dire straits to have sexual intercourse with them against their will shall be sentenced to between six months and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) Many persons compel one person to have sexual intercourse with them;

b) Committing forcible sexual intercourses more than once;

c) Committing forcible sexual intercourses against more than one person;

d) Being of incestuous nature;

e) Making the victim pregnant;

f) Causing harms to the victim's health with an infirmity rate of between 31% and 60%;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and eighteen years of imprisonment:

- a) Causing harms to the victim's health with an infirmity rate of 61% or higher;
- b) Committing the crime even though the offenders know that they are infected with HIV;
- c) Causing death to the victim or causing the victim to commit suicide.

4. Committing forcible sexual intercourses against juveniles aged over 16 years and under 18 years old, the offenders shall be sentenced to between two and seven years of imprisonment.

Committing the crime in one of the circumstances stipulated in Clause 2 or Clause 3 of this Article, the offenders shall be subject to the penalties specified in such clauses.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 114.- Forcible sexual intercourse with children**

1. Those who have forcible sexual intercourse with children aged from full 13 years to under 16 years shall be sentenced to between five and ten years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between seven and fifteen years of imprisonment:

- a) Incest;
- b) Making the victim pregnant;
- c) Causing harms to the victim's health with an infirmity rate of between 31% and 60%;
- d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offender shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

- a) More than one person commits forcible sexual intercourse against one person;
  - b) Committing the crime more than once;
  - c) Committing the crime against more than one person;
  - d) Causing harm to the victim's health with an infirmity rate of 61% or higher;
  - e) Committing the crime even though the offenders know that they are infected with HIV;
  - f) Causing death to the victim or causing the victim to commit suicide.
4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 115.-Having sexual intercourse with children**

1. Any adults having sexual intercourse with children aged from full 13 to fewer than 16 shall be sentenced to between one and five years of imprisonment.
2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between three and ten years of imprisonment:
  - a) Committing the crime more than once;
  - b) Against more than one person;
  - c) Being of an incestuous nature;
  - d) Making the victim pregnant;
  - e) Causing harms to the victim's health with an infirmity rate of from 31% to 60%.
3. Committing the crime in one of the following circumstances, the offender shall be sentenced to between seven and fifteen years of imprisonment:

- a) Causing harm to the victim's health with an infirmity rate of 61% or higher;
- b) Committing the crime even though the offenders know that they are infected with HIV.

**Article 116.- Obscenity against children**

1. Those adults who commit obscene acts against children shall be sentenced to between six months and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:

- a) Committing the crime more than once;
- b) Against more than one child;
- c) Against a child whom the offender has the responsibility to take care of, educate or medically treat;
- d) Causing serious consequences;
- e) Serious recidivism.

3. Committing the crime with serious consequences or particularly serious consequences, the offenders shall be sentenced to between seven and twelve years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 117.-  
Spreading HIV to other persons**

1. Those who know that they are infected with HIV and intentionally spread the disease to other persons shall be sentenced to between one and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:

- a) Against more than one person;
- b) Against juveniles;
- c) Against the doctors or medical workers who directly give medical treatment to them;
- d) Against persons performing their official duties or for reasons of the victims' official duties.

**Article 118.-Intentionally spreading HIV to other persons**

1. Those who intentionally spread HIV to other persons in cases other than those defined in Article 117 of this Code shall be sentenced to between three and ten years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between ten and twenty years of imprisonment or life imprisonment:

- a) In an organized manner;
- b) Against more than one person;
- c) Against juveniles;
- d) Against persons performing their official duties or for reasons of the victims' official duties;
- e) Abusing their professions.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 119.-Trafficking in women**

1. Those who traffic in women shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:

- a) Trading in women for the purpose of prostitution;
- b) In an organized manner;
- c) Being of professional characters;
- d) For the purpose of sending them overseas;
- e) Trafficking in more than one person;
- f) Trafficking more than once.

3. The offenders may also be subject to a fine of between five million and fifty million dong, to probation or residence ban for one to five years.

**Article 120.-Trading in, fraudulently exchanging or appropriating children**

1. Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment.

2. Committing such crimes in one of the following circumstances, the offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment:

- a) In an organized manner;
- b) Being of professional character;
- c) For despicable motivation;
- d) Trading in, fraudulently exchanging or appropriating more than one child;
- e) For the purpose of sending them abroad;
- f) For use for inhumane purposes;
- g) For use for prostitution purposes;

- h) Dangerous recidivism;
- i) Causing serious consequences.

3. The offenders may also be subject to a fine of between five million and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years or subject to probation for one to five years.

**Article 121.-Humiliating other persons**

1. Those who seriously infringe upon the dignity or honor of other persons shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and three years of imprisonment:

- a) Committing the crime more than once;
- b) Against more than one person
- c) Abusing positions and/or powers;
- d) Against persons who are performing their official duties;
- e) Against persons who educate, nurture, look after or medically treat them.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 122.-Slander**

- 1. Those who trump up or spread stories knowing them to be fabricated in order to infringe upon the honor or damage the legitimate rights and interests of other persons or make up a story that other persons commit crimes and denounce them before the competent agencies shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to from one to seven years of imprisonment:

- a) In an organized manner;
- b) Abusing their positions and powers;
- c) Against more than one person;
- d) Against their own grand fathers, grand mothers, fathers, mothers or persons who teach, nurture, look after, educate and/or medically treat them;
- e) Against persons who are performing their official duties;
- f) Slandering other persons about committing very serious or particularly serious crimes.

3. The offenders may also be subject to a fine of between one million and ten million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

### **Chapter XIII**

#### **CRIMES OF INFRINGING UPON CITIZENS' DEMOCRATIC FREEDOMS**

##### **Article 123.-Illegal arrest, custody or detention of people**

1. Those who illegally arrest, hold in custody or detain other persons shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.
2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:
  - a) In an organized manner;
  - b) Abusing their positions and/or powers;
  - c) Against persons who are performing their official duties;

d) Committing the crime more than once;

e) Against more than one person.

3. Committing the crimes and causing serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

4. The offenders may also be banned from holding certain posts for one to five years.

**Article 124.-Infringement upon citizens' places of residence**

1. Those who conduct illegal searches of other persons' places of residence, illegally expel other persons from their residence places or commit other illegal acts infringing upon citizens' inviolable rights relating to places of residence shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between one and three years of imprisonment:

a) In an organized manner;

b) Abusing their positions and/or powers;

c) Causing serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 125.-Infringement upon other persons' privacy or safety of letters, telephone and/or telegraph**

1. Those who appropriate letters, telegrams, telex, facsimile or other documents transmitted by telecommunication means and computers or commit illegal acts of infringing upon the secrecy or safety of letters, telephone conversations or telegraphs of other persons and who have been disciplined or administratively sanctioned for such acts but continue to commit violations, shall be

subject to warning, a fine of between one million and five million dong or non-custodial reform for up to one year.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to non-custodial reform for one to two years or a prison term of between three months and two years:

- a) In an organized manner;
- b) Abusing their positions and/or powers;
- c) Committing the crime more than once;
- d) Causing serious consequences;
- e) Recidivism.

3. The offenders may also be subject to a fine of between two million and twenty million dong, to a ban from holding certain posts for one to five years.

**Article 126.-Infringement upon citizens' rights to vote, to stand for election**

1. Those who resort to deception, buying off, coercion or other tricks to obstruct the exercise of citizens' rights to vote and/or the right to stand for election shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and two years of imprisonment:

- a) In an organized manner;
- b) Abusing their positions and/or powers;
- c) Causing serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 127.-Falsifying election returns**

1. Those who are responsible for organizing and supervising elections but forge papers, commit vote fraud or employ other tricks to falsify the election returns shall be subject to non-custodial reform for up to two years or a prison term of between six months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and three years of imprisonment:

a) In organized manner;

b) Causing serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 128.-Illegally forcing laborers, public employees to leave their jobs**

Those who, for their own benefits or other personal motivation, illegally force laborers, public employees to leave their jobs, causing serious consequences shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

**Article 129.-Infringement upon citizens' rights to assembly, association, rights to freedom of belief, religion**

1. Those who commit acts of obstructing citizens from exercising their rights to assembly and/or to association, which conform to the interests of the State and the people, rights to freedom of beliefs and religions, to follow or not to follow any religion, and who have been disciplined or administratively sanctioned for such acts but continue to commit violations shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 130.-Infringement upon women's rights to equality**

Those who use violence or commit serious acts to prevent women from participating in political, economic, scientific, cultural and social activities shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

**Article 131.-Infringement upon copyright**

1. Those who commit one of the following acts thus causing serious consequences or who have been administratively sanctioned for one of the acts stipulated in this Article or have been sentenced for such crime, not yet entitled to criminal record remission but repeat their violations, shall be subject to a fine of between two million and twenty million dong or non-custodial reform for up to two years:

a) Appropriating the copyright of literary, art, scientific, journalistic works, audio tapes or disc, video tapes or disc;

b) Wrongfully assuming authors' names on literary, art, scientific or journalistic works, audio tapes or disc, video tapes or disc;

c) Illegally amending the contents of literary, art, scientific, journalistic works, programs on audio tapes or disc, video tapes or disc;

d) Illegally announcing or disseminating literary, art, scientific or journalistic works, programs on audio tapes or disc, video tapes or disc.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between six months and three years of imprisonment:

a) In an organized manner;

b) Committing the crime more than once;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between ten million and one hundred million dong, to a ban from

holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 132.-Infringement upon the rights to complain and/or denounce**

1. Those who commit one of the following acts shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and three years:

a) Abusing positions and/or powers to obstruct the lodging of complaints and/or denunciations, the settlement of complaints and/or denunciations or the handling of those who are the subject of complaints or denunciations;

b) Having the responsibility but refusing to abide by the decision of the agencies competent to consider and settle complaints and denunciations, thus causing damage to the complainants and the denunciators.

2. Those who take revenge on the complainants and/or denunciators shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

3. The offenders may also be banned from holding certain posts for one to five years.

**Chapter XIV**

**CRIMES OF INFRINGING UPON OWNERSHIP RIGHTS**

**Article 133.-Plundering property**

1. Those who use force or threaten to use immediate force or commit other acts thus making resistance futile for persons being attacked in order to appropriate property shall be sentenced to between three and ten years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) In an organized manner;

b) Being of professional character;

- c) Dangerous recidivism;
- d) Using weapons or other dangerous means or tricks;
- e) Inflicting injury on or causing harm to the health of other persons with an infirmity rate of between 11% and 30%;
- f) Appropriating property valued at between fifty million dong and two hundred million dong;
- g) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment:

- a) Inflicting injury on or causing harms to the health of other persons with an infirmity rate of between 31% and 60%;
- b) Appropriating property with valued at between two hundred million dong and under five hundred million dong;
- c) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between eighteen and twenty years of imprisonment, life imprisonment or capital punishment:

- a) Inflicting injury on or causing harm to the health of other persons with an infirmity rate of 61% or higher or causing human death;
- b) Appropriating property valued at five hundred million dong or more;
- c) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, the confiscation of part or whole of property, subject to probation or residence ban for one to five years.

**Article 134.-Kidnapping in order to appropriate property**

1. Those who kidnap other persons as hostages in order to appropriate property shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

- a) In an organized manner;
- b) In a professional manner;
- c) Dangerous recidivism;
- d) Using weapons or other dangerous means or tricks;
- e) Against children;
- f) Against more than one person;
- g) Inflicting injury on or causing harms to the health of the hostages with an infirmity rate of between 11% and 30%;
- h) Appropriating property valued at between fifty million and under two hundred million dong;
- i) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten and eighteen years of imprisonment:

- a) Inflicting injury on or causing harms to the health of the hostages with an infirmity rate of between 31% and 60%;
- b) Appropriating property valued at between two hundred million and under five hundred million dong;
- c) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

a) Inflicting injury on or causing harms to the health of the hostages with an infirmity rate of 61% or higher or causing human death;

b) Appropriating property valued at five hundred million dong or higher;

c) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, the confiscation of part or whole of property, subject to probation or residence ban for one to five years.

#### **Article 135.-Extortion of property**

1. Those who threaten to use force or other tricks to spiritually intimidate other persons in order to appropriate property shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) In a professional way;

c) Dangerous recidivism;

d) Appropriating property valued at between fifty million dong and under two hundred million dong;

e) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Appropriating property valued at between two hundred million and under five hundred million dong;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment:

a) Appropriating property valued at five hundred million dong or more;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million and one hundred million dong, the confiscation of part or whole of property.

**Article 136.-Property robbery by snatching**

1. Those who rob other persons of their property by snatching shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) In a professional way;

c) Dangerous recidivism;

d) Employing dangerous tricks;

e) Committing assaults in order to flee;

f) Inflicting injury on or causing harms to the health of other persons with an infirmity rate of between 11% and 30%;

g) Appropriating property valued at between fifty million dong and under two hundred million dong;

h) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Inflicting injury on or causing harms to the health of other persons with an infirmity rate of between 31% and 60%;

b) Appropriating property valued at between two hundred million and under five hundred million dong;

c) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

a) Inflicting injury on or causing harm to the health of other persons with an infirmity rate of 61% or higher or causing human death;

b) Appropriating property valued at five hundred million dong or higher;

c) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million and one hundred million dong.

#### **Article 137.-Openly appropriating property**

1. Those who openly appropriate other persons' property valued between five hundred thousand dong and fifty million dong, or under five hundred thousand dong but causing serious consequences, or who have been administratively sanctioned for acts of appropriation or sentenced for act of appropriating property but not yet entitled to criminal record remission and repeat their violations shall be sentenced to between six months and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Committing assaults in order to flee;

b) Appropriating property valued at between fifty million dong and under two hundred million dong;

c) Dangerous recidivism;

d) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Appropriating property valued between two hundred million and under five hundred million dong;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

a) Appropriating property valued at five hundred million dong or higher;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and one hundred million dong.

#### **Article 138.-Stealing property**

1. Those who steal other persons' property valued between five hundred thousand dong and fifty million dong, or under five hundred thousand dong but causing serious consequences, or who have been administratively sanctioned for acts of appropriation or sentenced for the appropriation of property, not yet entitled to criminal record remission but repeat their violations, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between two and seven years of imprisonment:

a) In an organized manner;

b) In or professional way;

- c) Dangerous recidivism;
  - d) Employing treacherous and dangerous tricks;
  - e) Committing assaults in order to flee;
  - f) Appropriating property valued at between fifty million dong and under two hundred million dong;
  - g) Causing serious consequences.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:
- a) Appropriating property valued between two hundred million and under five hundred million dong;
  - b) Causing very serious consequences.
4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:
- a) Appropriating property valued at five hundred million dong or higher;
  - b) Causing particularly serious consequences.
5. The offenders may also be subject to a fine of between five million dong and fifty million dong.

**Article 139.-Appropriating property through swindling**

1. Those who appropriate through fraudulent tricks other persons' property valued between five hundred thousand dong and fifty million dong, or under five hundred thousand dong but causing serious consequences, or who have been administratively sanctioned for acts of appropriation or sentenced for the property appropriation, not yet entitled to criminal record remission but repeat their violations, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Being of professional nature;
- c) Dangerous recidivism;
- d) Abusing positions and/or powers or abusing the names of agencies or organizations;
- e) Employing perfidious tricks;
- f) Appropriating property valued between fifty million dong and under two hundred million dong;
- g) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) Appropriating property valued between two hundred million dong and under five hundred million dong;
- b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years, life imprisonment or capital punishment:

- a) Appropriating property valued at five hundred million dong or higher;
- b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 140.-Abusing trust in order to appropriate property**

1. Those who commit one of the following acts of appropriating other persons' property valued between one million dong and fifty million dong, or under one million dong but causing serious consequences, or who have been administratively sanctioned for act of appropriation or sentenced for the property appropriation, not yet entitled to criminal record remission but repeat their violations, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years:

a) Loaning, borrowing and/or renting property of other persons or receiving property of other persons through contractual forms then using fraudulent tricks or fleeing in order to appropriate such property;

b) Loaning, borrowing and/or renting property of other persons or receiving property of other person through contractual forms then using such property for illegal purposes, thus being incapable of returning such property.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) In an organized manner;

b) Abusing positions and/or powers or abusing the names of agencies or organizations;

c) Employing perfidious tricks;

d) Appropriating property valued between over fifty million dong and under two hundred million dong;

e) Dangerous recidivism;

f) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Appropriating property valued between two hundred million dong and under five hundred million dong;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

a) Appropriating property valued at five hundred million dong or higher;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, to a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years and the confiscation of part or whole of property or either of these two penalties.

**Article 141.-Illegally holding property**

1. Those who deliberately refuse to return to the lawful owners or managers or to surrender to responsible authorities property valued between five million dong and two hundred million dong, antiques or objects of historical and/or cultural value mistakenly assigned to them or discovered or found by them, after the lawful owners or managers or the responsible authorities request to receive back such property according to the provisions of law, shall be subject to non-custodial reform for up to three years or a prison term of between three months and two years.

2. Those who illegally hold property valued at two hundred million dong or higher, or antiques or objects of historical and/or cultural value shall be sentenced to between one and five years of imprisonment.

**Article 142.- Illegally using property**

1. Those who, for their own benefits, illegally use other persons' property valued at fifty million dong or higher, causing serious consequences or who have already been administratively sanctioned for such acts or sentenced for such offense and not yet entitled to criminal record remission but repeat their violations, shall be subject to a fine of between five million dong and fifty million dong,

non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing such crime in one of the following circumstances, the offenders shall be sentenced to between two and five years of imprisonment:

- a) Committing the crime more than once;
- b) Abusing positions and/or powers;
- c) Causing very serious consequences;
- d) Dangerous recidivism.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between three and seven years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 143.- Destroying or deliberately damaging property**

1. Those who destroy or deliberately damage other persons' property, causing damage of between five hundred thousand dong and under fifty million dong, or under five hundred thousand dong but causing serious consequences, or who have already been administratively sanctioned for such act or sentenced for such offense and not yet entitled to criminal record remission but repeat their violations shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Employing explosives, inflammables or other dangerous means;
- c) Causing serious consequences;

- d) To conceal other crimes;
- e) For the reasons of the victims' official duties;
- f) Dangerous recidivism;
- g) Causing damage to property valued between fifty million dong and under two hundred million dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) Causing damage to property valued between two hundred million dong and under five hundred million dong;
- b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

- a) Causing damage to property valued at five hundred million dong or higher;
- b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, to a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 144.- Neglecting responsibility causing serious damage to the State's property**

1. Those who are tasked with directly managing the State's property but neglect that responsibility causing loss, ruin, waste or damage to the State's property valued between fifty million dong and two hundred million dong, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years.

2. Committing the crime of damaging the State's property valued between two hundred million dong and under five

hundred million dong, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the crime of damaging the State's property valued at five hundred million dong or higher, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding the post of managing of the State's property for one to five years.

**Article 145.-Unintentionally causing serious damage to property**

1. Those who unintentionally cause damage to other persons' property valued between fifty million dong and under five hundred million dong shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime of damaging other persons' property valued at five hundred million dong or higher, the offenders shall be sentenced to between one and three years of imprisonment.

**Chapter XV**

**CRIMES OF INFRINGING UPON THE MARRIAGE AND FAMILY REGIMES**

**Article 146.-Forcible marriage or prevention of voluntary and progressive marriage**

Those who force other persons into marriage against their will or prevent other persons from entering into marriage or maintaining voluntary and progressive marriage bonds through persecution, ill-treatment, mental intimidation, property claim or other means, and who have already been administratively sanctioned for such acts but repeat their violations, shall be subject to warning, non-custodial reform for up to three years or a prison term of between three months and three years.

**Article 147.-Bigamy**

1. Any married person who marries or lives with another person like husband or wife or any unmarried person who marries or lives with another person who he/she knows to be

a married person, thus causing serious consequences, or who has been administratively sanctioned for such acts but repeat the violation, shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. Those who commit the crime in cases where the court has already decided to dissolve the marriage or force the termination of co-habitation like husband and wife contrary to the monogamy but continuing to maintain such relationship shall be sentenced to between six months and three years of imprisonment.

**Article 148.-Organizing underage marriage, entering into underage marriage**

Those who commit one of the following acts, have already been administratively sanctioned but repeat their violation, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years:

a) Organizing marriage for under age persons;

b) Deliberately maintaining the illegal conjugal relationship with underage persons though the court has already decided the termination of such relationship.

**Article 149.-Registering illegal marriage**

1. Those who are responsible for the registration of marriage and know clearly that the applicants are not qualified for the marriage and still make the registration for such persons, have been disciplined for such act but repeat their violation, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. The offenders may also be banned from holding certain posts for one to five years.

**Article 150.-Incest**

Those who have sexual intercourse with other persons of direct blood lines, with sisters or brothers born of common parents, with half-brothers or half-sisters, shall be

sentenced to between six months and five years of imprisonment.

**Article 151. Ill-treating or persecuting grand-parents, parents, spouses, children, grandchildren and/or fosterers**

Those who ill-treat or persecute their grand-parents, parents, spouses, children, grand-children or fosterers, thus causing serious consequences or who have already been administratively sanctioned for such acts but repeat their violations, shall be subject to warning, non-custodial reform for up to three years or a prison term of between three months and three years.

**Article 152.-Refusing or evading the obligation to provide financial support**

Those who have the obligation to provide financial support and have the actual capability to provide the financial support for the persons they are obliged to do so according to the provisions of law but deliberately refuse or evade the obligation to provide financial support, thus causing serious consequences or who have already been administratively sanctioned for such acts but repeat their violations, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

**Chapter XVI**

**CRIMES OF INFRINGING UPON THE ECONOMIC MANAGEMENT ORDER**

**Article 153.-Smuggling**

1. Those who conduct illegal cross-border trading in one of the following objects shall be subject to a fine of between ten million dong and one hundred million dong or a prison term of between six months and three years:

a) Commodities, Vietnamese currency, foreign currency (ies), precious metals, and/or gemstones valued between one hundred million dong and under three hundred million dong and the offenders have been administratively sanctioned for acts defined in this Article or in any of Articles 154, 155, 156, 157, 158, 159, 160 and 161 of this Code or have been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat the violations, if

not falling under the cases stipulated in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code;

b) Objects being historical and/or cultural relics;

c) Banned goods in great volumes or the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 154, 155, 156, 157, 158, 159, 160 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Dangerous recidivism;

d) The goods involved are valued at between three hundred million dong and under five hundred million dong;

e) Banned goods in great quantity;

f) Gaining big illicit profits;

g) Taking advantage of war conditions, natural calamities, epidemics or other particularly difficult situations;

h) Abusing positions and/or powers;

i) Abusing the names of agencies or organizations;

j) Committing the crime more than once;

k) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Objects involved are valued at between five hundred million dong and under one billion dong;

b) The banned goods are in particularly great quantity;

c) Gaining very great illicit profits;

d) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment:

a) Objects involved are valued at one billion dong or more;

b) Gaining particularly great illicit profits;

c) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between three million dong and thirty million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 154.-Illegal cross-border transportation of goods and/or currencies**

1. Those who illegally transport across borders any of the following objects shall be subject to a fine of between five million dong and twenty million dong, non-custodial reform for up to two years or a prison term of between three months and two years:

a) Goods, Vietnamese currency, foreign currency(ies), precious metals, gemstone valued between one hundred million dong and under three hundred million dong, or under one hundred million dong but the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 153, 155, 156, 157, 158, 159, 160 and 161 of this Code, or have been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code;

b) Objects being historical and/or cultural relics and the offenders have already been administratively sanctioned but repeat their violations;

c) The banned goods are in great quantity or the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 153, 155, 156, 157, 158, 159, 160 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code;

2. Committing the crime in one of the following cases, the offenders shall be sentenced to between two and five years of imprisonment:

a) Object involved in the offense is valued between three hundred million dong and under five hundred million dong;

b) The banned goods are in very great quantity;

c) Abusing positions and/or powers;

d) Abusing the names of agencies or organizations;

e) Committing the crime more than once;

f) Dangerous recidivism.

3. Committing the crime with goods valued at five hundred million dong or more or banned goods in particularly great quantity, the offenders shall be sentenced to from five to ten years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and ten million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 155.-Manufacturing, stockpiling, transporting and/or trading in banned goods**

1. Those who manufacture, stockpile, transport and/or trade in goods banned from business by the State in great quantity, gain great illicit profits or who have been

administratively sanctioned for acts defined in this Article or Articles 153, 154, 156, 157, 158, 159 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases stipulated in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between six months and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Abusing the names of agencies or organizations;
- d) Being of professional character;
- e) Goods involved in the offense are in very great quantity or gaining very great illicit profits
- f) Dangerous recidivism.

3. Committing the crime with particularly great quantity of goods or particularly great illicit profits, the offenders shall be sentenced to between eight and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between three million dong and thirty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 156.-Manufacturing and/or trading in fake goods**

1. Those who manufacture and/or trade in fake goods equivalent to the quantity of genuine goods valued between thirty million dong and under one hundred fifty million dong, or under thirty million dong but causing serious consequences or who have been already administratively sanctioned for acts defined in this Article or any of Articles 153,

154, 155, 157, 158, 159 and 161 of this Code or have already been sentenced for one of these offenses but not yet entitled to criminal record remission and repeat the violation, shall be sentenced to from six months to five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Being of professional character;
- c) Dangerous recidivism;
- d) Abusing positions and/or powers;
- e) Abusing the names of agencies or organizations;
- f) The fake goods are equivalent to a quantity of genuine goods valued between one hundred and fifty million dong and under five hundred million dong;
- g) Gaining great illicit profits;
- h) Causing very serious consequences.

3. Committing the crime in one of the following circumstances, the offender shall be sentenced to between seven and fifteen years of imprisonment:

- a) The fake goods are equivalent to a quantity of genuine goods valued at five hundred million dong or more;
- b) Gaining very great or particularly great illicit profits;
- c) Causing particularly serious consequences.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or from doing certain jobs for one to five years.

**Article 157. Manufacturing and/or trading in fake goods being food, foodstuffs, curative medicines, preventive medicines**

1. Those who produce and/or trade in fake goods being food, foodstuff, curative medicines and/or preventive medicines shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five years and twelve years:

- a) In an organized manner;
- b) Being of professional character;
- c) Dangerous recidivism;
- d) Abusing positions and/or powers;
- e) Abusing the names of agencies or organizations;
- f) Causing serious consequences.

3. Committing the crime, which results in very serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment.

4. Committing the crime, which results in particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, the confiscation of part or whole of property, the ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 158.-Manufacturing and/or trading in fake goods being animal feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties, animal breeds.**

1. Those who produce and/or trade in fake goods being animal feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties and/or animal breeds in

great quantity or causing serious consequences or who have been already administratively sanctioned for acts defined in this Article or any of Articles 153, 154, 155, 156, 157, 159 and 161 of this Code or have been sentenced for one of these offenses, not yet entitled to criminal record remission and repeat the violations, shall be subject to a fine of between ten million dong and one hundred million dong or a prison term of between one and five years of imprisonment.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Abusing the names of agencies or organizations;
- d) Fake goods are in very great quantity;
- e) Dangerous recidivism;
- f) Causing very serious consequences.

3. Committing the crimes with a particularly great quantity of fake goods or causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong between fifty million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 159.-Conducting business illegally**

1. Those who conduct business without business registration, in contravention of the registered contents or without separate license if so required by law, in one of the following cases, shall be subject to a fine of between five million dong and fifty million dong or non-custodial reform for up to two years:

a) The offenders have already been administratively sanctioned for these acts or sentenced for these crimes or for any crime defined in Articles 153, 154, 155, 156, 157, 158, 160, 161, 164, 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code, have not yet been entitled to criminal record remission but continue committing the violations;

b) The goods involved in the offense are valued between one hundred million dong and under three hundred million dong.

2. Committing the crime in one of the following cases, the offenders shall be sentenced to between three months and two years of imprisonment:

a) Abusing the names of agencies or organizations;

b) Falsely presenting as an organization which does not actually exist;

c) The goods involved in the offense are valued at three hundred million dong or more;

d) Gaining big illicit profits.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong.

#### **Article 160.-Speculation**

1. Those who take advantage of scarcity or create the sham scarcity of goods during natural calamities, epidemics and/or war time and buy up goods in great quantity for re-sale in order to gain illicit profits, thus causing serious consequences, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between six months and five years.

2. Committing such crimes in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Abusing positions and/or powers;

c) Abusing the names of agencies or organizations;

- d) The speculated goods are in very great quantity;
- e) Very big illicit profits are gained;
- f) Very serious consequences are caused;
- g) Dangerous recidivism.

3. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between eight and fifteen years of imprisonment:

- a) The speculated goods are in particularly great quantity;
- b) Particularly big illegal profits are gained;
- c) Particularly serious consequences are caused.

4. The offenders may also be subject to a fine of between three million dong and thirty million dong, the ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 161.- Tax evasion**

1. Those who evade tax in the amount of between fifty million dong and one hundred and fifty million dong or who have already been administratively sanctioned for tax evasion or already sentenced for this crime or for any of the crimes defined in Articles 153, 154, 155, 156, 157, 158, 159, 160, 164, 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code, have not yet been entitled to criminal record remission but repeat their violations, shall be subject to a fine of between one time and five times the evaded tax amount or to non-custodial reform for up to two years.

2. Evading tax in the amount of between one hundred million dong and under five hundred million dong or repeating such crime, the offenders shall be subject to a fine of between one time and five times the evaded tax amount or to a prison term of between six months and three years.

3. Evading tax in the amount of five hundred million dong or more or in other particularly serious circumstances, the

offenders shall be sentenced to between two years and seven years of imprisonment.

4. The offenders may also be subject to a fine of between one time and three times the evaded tax amount.

#### **Article 162.-Deceiving customers**

1. Those who, in goods purchase or sale, trickily weigh, measure, calculate or fraudulently exchange goods or employ other deceitful ploys, causing serious loss to customers, or who have already been administratively sanctioned for such acts or been sentenced for such offenses and not yet entitled to criminal record remission but repeat their violations, shall be subject to warning, a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crimes more than once or gaining big illicit profits, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong.

#### **Article 163.-Usury**

1. Those who provide loans at an interest rates ten or more times higher than the maximum interest rate prescribed by law, which is of exploitative nature, shall be subject to a fine of one to ten times the interest amount or to non-custodial reform for up to one year.

2. If big illegal profits are gained, the offenders shall be sentenced to between six months and three years of imprisonment.

3. The offenders may also be subject to a fine one to five times the illicit profits, to a ban from holding certain post, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 164.-Counterfeiting stamps and/or tickets, trading in counterfeit stamps and/or tickets**

1. Those who make and/or trade in counterfeit stamps and/or tickets of all kinds in great quantity or who have already been administratively sanctioned for such acts or have already been sentenced for such offenses, have not yet been entitled to criminal record remission but repeat their violations, shall be subject to a fine of between five million dong and fifty million dong or sentenced to between six months and three years of imprisonment.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between two and seven years:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Big illicit profits are gained
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 165.-Deliberately acting against the State's regulations on economic management, causing serious consequences**

1. Those who abuse their positions and/or powers to deliberately act against the State's regulations on economic management, causing a loss of between one hundred million dong and three hundred million dong, or under one hundred million dong but the offenders have already been disciplined for such acts but repeat their violations thus causing serious consequences, shall be subject to non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and twelve years of imprisonment:

- a) For self-seeking or other personal purposes;
- b) In an organized manner;

c) Employing perfidious tricks;

d) Causing a loss of from three hundred million dong to under one billion dong or causing other very serious consequences.

3. Committing the crime which entails a loss of one billion dong or more or other particularly serious consequences, the offenders shall be sentenced to between ten years and twenty years of imprisonment.

4. The offenders may also be subject to the confiscation of part or whole of their property, the ban from holding certain posts or doing certain jobs for one to five years.

#### **Article 166.-Establishing illegal funds**

1. Those who abuse their positions and/or powers to set up an illegal fund valued at between fifty million dong and under two hundred million dong and have used such fund, causing serious consequences, or who have already been disciplined or administratively sanctioned for such acts but continue to commit them, shall be subject to non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:

a) Employing perfidious tricks to escape the control;

b) To commit other crimes;

c) The illegal fund is valued at between two hundred million dong and under five hundred million dong;

d) Causing very serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between six and ten years of imprisonment:

a) The illegal fund is valued between five hundred million dong and under one billion dong;

b) Causing particularly serious consequences.

4. Committing the crime in case where the illegal fund has the value of one billion dong or more, the offenders shall be sentenced to between eight and fifteen years of imprisonment.

5. The offenders shall also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years, and may be subject to a fine of between five million dong and thirty million dong.

**Article 167.-Making false reports on economic management**

1. Those who, for self-seeking or other personal purposes, make false reports to the competent agencies on data and/or documents which are clearly untruthful, thus causing serious consequences to the elaboration and implementation of socio-economic plans of the State or who have already been disciplined or administratively sanctioned for such acts or have already been sentenced for such offenses, have not yet been entitled to criminal record remission but continue to commit them, shall be subject to non-custodial reform for up to one year or a prison term of between three months and three years.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 168.-Making false advertisements**

1. Those who falsely advertise goods and/or services, causing serious consequences, or who have been administratively sanctioned for such act or already sentenced for such offense and not yet entitled to the criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or to a prison term of between six months and three years.

2. The offenders may also be subject to a fine of between five million dong and fifty million dong, to a ban from practicing certain occupations or doing certain jobs for one to five years.

**Article 169.-Deliberately acting against the regulations on distribution of relief money and goods**

1. Those who abuse their positions and/or powers and deliberately act against the regulations on distribution of relief money and goods, causing serious consequences, shall be subject to warning, non-custodial reform for up to two years or to a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) In an organized manner;

b) Committing the crime more than once;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 170.-Breaching the regulations on the granting of industrial property protection deeds**

1. Those who are competent to grant protection deeds and breach the law provisions on the granting of industrial property protection deeds, have already been disciplined or administrative sanctioned for such act but still commit it, causing serious consequences, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to from two to seven years of imprisonment:

a) In an organized manner;

b) Committing the crime more than once;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 171.-Infringing upon industrial property rights**

1. Those who, for business purposes, appropriate and/or illegally use inventions, utility solutions, industrial designs, trade marks, appellation, goods origins or other industrial property objects, which are protected in Vietnam, thus causing serious consequences or who have already been administratively sanctioned for such acts or already been sentenced for such offenses, not yet entitled to criminal record remission but continue to commit them, shall be subject to a fine of between twenty million dong and two hundred million dong or to non-custodial reform for up to two years.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between six months and three years of imprisonment:

a) In an organized manner;

b) Committing the crime more than once;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, to a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 172.-Breaching regulations on natural resource surveys, exploration and/or exploitation**

1. Those who breach the State's regulations on natural resource surveys, exploration and/or exploitation, conducting such activities ashore, on islands, in inland waters, territorial waters, exclusive economic zones, continental shelf and air space of Vietnam without permits or in contravention of the contents of the permits thus causing serious consequences, shall be subject to warning, a fine of between fifty million dong and one billion dong or a prison term of between six months and three years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two and ten years of imprisonment.

3. The offenders may also be subject to a fine of between fifty million dong and five hundred million dong.

**Article 173.-Breaching regulations on land use**

1. Those who grab and occupy land or transfer the land use right or use land in contravention of the State's regulations on land management and use, causing serious consequences or who have already been administratively sanctioned for such acts or have already been sentenced for such offenses, not yet entitled to criminal record remission but continue to commit them, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between thirty million dong and one hundred million dong or a prison term of between two and seven years of imprisonment:

a) In an organized manner;

b) Committing the crimes more than once;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between five million dong and twenty million dong.

**Article 174.-Breaching regulations on land management**

1. Those who take advantage of or abuse their positions and/or powers, assigning, recovering, leasing, permitting the transfer of the right to use or permitting the change of use of land in contravention of law, have already been disciplined for such acts but still commit them, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Land is large in area or of great value;

b) Serious consequences are caused.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 175.-Breaching regulations on forest exploitation and protection**

1. Those who commit one of the following acts causing serious consequences or who have already been administratively sanctioned for such act or have already been sentenced for this offense, not yet entitled to criminal record remission but still commit them, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or subject to a prison term of between three months and three years:

a) Illegally exploiting forest trees or committing other acts of violating the State's regulations on forest exploitation and protection, if not falling under the cases specified in Article 189 of this Code;

b) Illegally transporting and/or trading in timber, if not falling into the cases specified in Article 153 and Article 154 of this Code.

2. Committing the crime in very serious or particularly serious cases, the offenders shall be sentenced to between two years and ten years of imprisonment.

3. The offenders may also be subject to a fine of between five million dong and twenty million dong.

**Article 176.-Breaching regulations on forest management**

1. Those who take advantage of or abuse their positions and/or powers, committing one of the following acts and causing serious consequences or who have been disciplined

for such acts but still commit them, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years:

- a) Illegally assigning forests and/or forest land or recovering forests and/or forest land;
- b) Illegally permitting the transfer of the use purposes of forests and/or forest land;
- c) Illegally permitting the exploitation and/or transportation of forest products.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two to seven years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Causing very serious consequences;

3. Committing the crime which entails particularly serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.

4. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, a ban from holding certain posts for one to five years.

#### **Article 177.-Breaching regulations on electricity supply**

1. Any responsible persons who commit one of the following acts, causing serious consequences or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offenses, not yet entitled to criminal record remission but still commit them, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to two years or a prison term of between three months and two years:

- a) Cutting the electricity supply without grounds or without notices as prescribed;
- b) Groundlessly refusing to supply electricity;

c) Delaying the handling of electricity incident without plausible reason.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. The offenders may also be subject to a fine of between two million dong and twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 178.-Illegally using reserve funds for supplementation to the charter capital of credit institutions**

1. Any responsible persons who use charter capital supplementation reserve funds to distribute dividends, causing serious consequences, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but still commit it, shall be subject to a fine of between ten million dong and five hundred million dong, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 179.-Breaching regulations on loan provision in the operations of credit institutions**

1. Those who are employed in the credit activities and commit one of the following acts, causing serious consequences, shall be subject to a fine of between ten million dong and fifty million dong or a prison term of between one and seven years:

- a) Providing non-secured loans in contravention of law provisions;
- b) Providing loans in excess of the prescribed limits;
- c) Other acts of violating law provisions on lending in the credit activities.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between five years and twelve years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between ten years and twenty years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing jobs relating to credit activities for one to five years.

**Article 180.-Making, storing, transporting and/or circulating counterfeit money, treasury bills and/or bonds**

1. Those who make, store, transport and/or circulate counterfeit money, treasury bills and/or bonds shall be sentenced to between three years and seven years of imprisonment.

2. Committing the crimes in serious cases, the offenders shall be sentenced to between five years and twelve years of imprisonment.

3. Committing the crimes in very serious or particularly serious cases, the offenders shall be sentenced to between ten years and twenty years of imprisonment, life imprisonment or capital punishment.

4. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, the confiscation of part or whole of their property.

**Article 181.-Making, storing, transporting and/or circulating counterfeit checks and/or other counterfeit valuable papers**

1. Those who make, store, transport and/or circulate counterfeit checks and/or other counterfeit valuable papers shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in serious cases, the offenders shall be sentenced to between five years and twelve years of imprisonment.

3. Committing the crime in very serious or particularly serious cases, the offenders shall be sentenced to between ten and twenty years of imprisonment.

4. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, the confiscation of part or whole of property.

## **Chapter XVII**

### **ENVIRONMENT-RELATED CRIMES**

#### **Article 182.-Causing air pollution**

1. Those who discharge into the air different kinds of smoke, dust, toxic matters or other harmful elements; emit radiation and/or radioactive elements in excess of the permitted criteria, have already been administratively sanctioned but still deliberately refuse to apply remedial measures under the decisions of the competent agencies, thus causing serious consequences, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

### **Article 183.-Causing water source pollution**

1. Those who discharge into water sources oil, grease, toxic chemicals, radioactive substances in excess of prescribed criteria, wastes, animal and plant residues, bacteria, micro bacteria, harmful and epidemical parasites or other harmful elements, have already been administratively sanctioned but deliberately refuse to apply remedial measures under decisions of the competent agencies, thus causing serious consequences, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

### **Article 184.-Causing land pollution**

1. Those who bury or discharge onto land toxic matters in excess of prescribed criteria, have already been administratively sanctioned but still deliberately refuse to take remedial measures under decisions of competent bodies, causing serious consequences, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences,

the offenders shall be sentenced to between five years and ten years of imprisonment

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 185.-Import of technologies, machinery, equipment, discarded materials or materials which fail to satisfy environmental protection criteria**

1. Those who import or permit the import of technologies, machinery, equipment, biological preparations, chemical preparations, noxious matters, radioactive substances or discarded materials which fail to satisfy the environmental protection criteria, have already been administratively sanctioned for such acts but still commit them, causing serious consequences, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 186.-Spreading dangerous epidemics to human beings**

1. Those who commit one of the following acts of spreading dangerous epidemics to other persons, shall be sentenced to between one and five years of imprisonment:

a) Taking out of epidemic areas animals, plants, animal or plant products or other objects capable of spreading dangerous epidemics to human beings;

b) Bringing into or permitting to bring into Vietnam animals, plants or animal or plant products, which are infected with diseases or carry dangerous disease germs capable of spreading to human beings;

c) Other acts of spreading dangerous epidemics to human beings.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.

3. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 187.- Deliberately spreading dangerous epidemics to animals and/or plants**

1. Those who commit one of the following acts of spreading dangerous epidemics to animals and/or plants, causing serious consequences or who have been administratively sanctioned for such acts but still commit them, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years:

a) Bringing into or taking out of restricted circulation areas animals, plants, animal or plant products or other objects, which are infected with diseases or carry disease germs;

b) Bringing into or permitting to be brought into Vietnam animals, plants, animal or plant products which should be quarantined, but failing to comply with law provisions on quarantine;

c) Other acts of spreading dangerous epidemics to animals, plants.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years'.

**Article 188.-Destroying aquatic resources**

1. Those who breach regulations on the protection of aquatic resources in one of the following circumstances, causing serious consequences, or who have already been administratively sanctioned for such acts or sentenced for such offenses, not yet entitled to criminal record remission but still commit them, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years:

a) Using toxic substances, explosives, chemicals, electric current or banned fishing means and gears to exploit aquatic products or destroy aquatic resources;

b) Exploiting aquatic products in restricted areas, during the spawning seasons of a number of species or other time periods banned by law;

c) Exploiting aquatic products of precious and rare species, the exploitation of which is banned under Government regulations;

d) Destroying the habitats of precious and rare aquatic species protected under Government regulations;

e) Breaching other regulations on the protection of aquatic resources.

2. Committing the crime and causing serious or particularly serious consequences, the offenders shall be subject to a fine between fifty million dong and two hundred million dong or a prison term of between two and five years.

3. The offenders may also be subject to a fine of from two million dong to twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 189.-Destroying forests**

1. Those who illegally burn or destroy forests or commit other acts of forest destruction, causing serious consequences or who have already been administratively sanctioned for such acts but still commit them, shall be subject to a fine of between ten million and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Abusing positions and/or powers or abusing the names of agencies or organizations;

c) Destroying a very large forest area;

d) Felling and destroying plants of precious and rare species on the lists prescribed by the Government;

e) Causing very serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Destroying a particularly vast forest area;

b) Destroying protection forests, special-use forests;

c) Causing particularly serious consequences.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 190.-Breaching regulations on the protection of precious and rare wild animals**

1. Those who illegally hunt, catch, kill, transport and/or trade in precious and rare wild animals which are banned there from under Government regulations or illegally transport and/or trade in the products made of such

animals, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to two years or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Using banned hunting/catching tools or means;
- d) Hunting/catching in prohibited areas or during prohibited times;
- e) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between two million and twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 191.-Breaching the special- protection regime for nature preservation areas**

1. Those who breach the regime of using and exploiting nature preservation areas, national gardens, natural relics or other natural areas put under the special protection by the State, have already been administratively sanctioned for such acts but still commit them and cause serious consequences, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two and five years of imprisonment.

3. The offenders may also be subject to a fine of between two million and twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

## **Chapter XVIII**

### **NARCOTICS-RELATED CRIMES**

#### **Article 192.-Growing opium poppy and other kinds of plant bearing narcotic substance**

1. Those who grow opium poppy, coca shrubs, marijuana or other plants which bear narcotic substance, have already been educated more than once, have already been given conditions to stabilize their lives and have already been administratively sanctioned for such acts but still commit them, shall be sentenced to between six months and three years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:
  - a) In an organized manner;
  - b) Repeating such crime.
3. The offenders may also be subject to a fine of between one million and fifty million dong.

#### **Article 193.- Illegally producing narcotics**

1. Those who illegally produce narcotics in any form shall be sentenced to between two and seven years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:
  - a) The crime is committed in an organized manner;
  - b) Committing the crime more than once;
  - c) Abusing positions and/or powers;
  - d) Abusing the names of agencies or organizations;
  - e) Poppy resin, marijuana resin or coca plasma, weighing between five hundred grams and under one kilograms;

f) Heroin or cocaine weighing between five grams and under thirty grams;

g) Other narcotic substances in solid form weighing between twenty grams and under one hundred grams;

h) Other narcotic substances in liquid form measuring between one hundred milliliters and under two hundred and fifty milliliters;

i) Involving two or more kinds of narcotics, with the total volume of such substances being equal to the narcotic volume specified in any of Points from e to h, Clause 2 of this Article;

j) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

a) The crime is committed in a professional manner;

b) Poppy resin, marijuana resin or coca plasma weighing between one kilogram and under five kilograms;

c) Heroin or cocaine weighing between thirty grams and under one hundred grams;

d) Other narcotic substance in solid form weighing between one hundred grams and under three hundred grams;

e) Other narcotic substance in liquid form measuring between two hundred milliliters and under seven hundred and fifty milliliters;

f) Involving two or more kinds of narcotics with the total volume of such substances being equal to the narcotic volume specified in any of the Points from b to e, Clause 3 of this Article.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) Poppy resin, marijuana resin or coca plasma, weighing five kilograms or more;
- b) Heroin or cocaine weighing one hundred grams or more;
- c) Other narcotic substances in solid form weighing three hundred grams or more;
- d) Other narcotic substances in liquid form, measuring seven hundred and fifty milliliters or more;
- e) Involving two kinds of narcotics with the total volume being equal to the narcotic volume specified in one of the Points from a to d, Clause 4 of this Article.

5. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the confiscation of part or whole of their property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 194.-Illegally stockpiling, transporting, trading in or appropriating narcotics**

- 1. Those who illegally store, transport, trade in or appropriate narcotics shall be sentenced to between two and seven years of imprisonment.
- 2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:
  - a) In an organized manner;
  - b) Committing the crime more than once;
  - c) Abusing positions and/or powers;
  - d) Abusing the names of agencies or organizations;
  - e) Conducting cross-border narcotics transportation and/or trading in the same;
  - f) Employing children in the commission of the crime or selling narcotics to children;

- g) Opium resin, marijuana resin or coca plasma weighing between five hundred grams and under one kilogram;
- h) Heroin or cocaine weighing between five grams and under thirty grams;
- i) The marijuana leaves, flower and/or fruit or the coca leaves weighing between ten kilograms and under twenty five kilograms;
- j) Dried poppy fruit weighing between fifty kilograms and under two hundred kilograms;
- k) Fresh poppy fruit weighing between ten kilograms and under fifty kilograms;
- l) Other narcotic substances in solid form weighing between twenty grams and under one hundred grams;
- m) Other narcotic substances in liquid form measuring between one hundred milliliters and under two hundred and fifty milliliters;
- n) Involving two or more kinds of narcotics with their total volume being equivalent to the narcotic volume specified in one of the Points from g to m, Clause 2 of this Article;
- o) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

- a) Opium resin, marijuana resin or coca plasma weighing between one kilogram and under five kilograms;
- b) Heroin or cocaine weighing between thirty grams and under one hundred grams;
- c) Marijuana leaves, flower and/or fruit or coca leaves weighing between twenty five kilograms and under seventy five kilograms;
- d) Dried poppy fruit weighing between two hundred kilograms and under six hundred kilograms;

- e) Fresh poppy fruit weighing between fifty kilograms and under one hundred and fifty kilograms;
- f) Other narcotic substances in solid form weighing between one hundred grams and under three hundred grams;
- g) Other narcotic substances in liquid form measuring between two hundred milliliters and under seven hundred and fifty milliliters;
- h) Involving two or more narcotic substances with the total volume thereof being equivalent to the narcotic volume specified in one of the Points from a to g, Clause 3 of this Article.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) Opium resin, marijuana resin or coca plasma weighing five kilograms or more;
- b) Heroin or cocaine weighing one hundred grams or more;
- c) Marijuana leaves, flower, fruit or coca leaves weighing seventy five kilograms or more;
- d) Dried poppy fruit weighing six hundred kilograms or more;
- e) Fresh poppy fruit weighing one hundred and fifty kilograms or more;
- f) Other narcotic substances in solid form weighing three hundred grams or more;
- g) Other narcotic substances in liquid form measuring seven hundred and fifty milliliters or more;
- h) Involving two or more narcotic substances with the total volume thereof being equivalent to the narcotic volume specified in one of the Points from a to g, Clause 4 of this Article.

5. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the

confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 195.-Stockpiling, transporting, trading in or appropriating pre-substances for use in the illegal production of narcotics**

1. Those who stockpile, transport, trade in or appropriate pre-substance for use in the illegal production of narcotics shall be sentenced to between one and six years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between six and thirteen years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Abusing positions and/or powers;
- d) Abusing the names of agencies or organizations;
- e) The pre-substance weighs between two hundred grams and five hundred grams;
- f) Conducting the cross-border transportation and/or trading in the same;
- g) Dangerous recidivism.

3. Committing the crime with the pre-substance weighing between five hundred grams and under one thousand two hundred grams, the offenders shall be sentenced to between thirteen and under twenty years of imprisonment.

4. Committing the crime with the pre-substance weighing one thousand two hundred grams or more, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, the confiscation of part or whole of their property, a ban from holding

certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 196.-Manufacturing, stockpiling, transporting and/or trading in means and/or tools used in the illegal production or use of narcotics**

1. Those who manufacture, stockpile, transport and/or trade in means and/or tools used in the illegal production or use of narcotics shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and ten years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Abusing positions and/or powers;
- d) Abusing the names of agencies and/or organizations;
- e) Law-offending objects are in great quantity;
- f) Conducting cross-border transportation and/or trading in the same;
- g) Dangerous recidivism.

3. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the confiscation of part or whole of their property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 197.-Organizing the illegal use of narcotics**

1. Those who organize the illegal use of narcotics in any form shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) Committing the crime more than once;
- b) Against more than one person;
- c) Against juveniles aged full 13 or more;
- d) Against women who, the offenders know to be pregnant;
- e) Against persons who are giving up drug addiction;
- f) Causing harms to the health of other persons with an infirmity rate of between 31% and 60%;
- g) Infecting many persons with dangerous diseases;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment;

- a) Causing harms to another person's health with an infirmity rate of 61% or higher or causing human death;
- b) Causing harms to the health of many persons with an infirmity rate of between 31% and 60%;
- c) Infecting many persons with dangerous diseases;
- d) Against children under 13 years of age.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) Causing harm to the health of many persons with an infirmity rate of 61% or higher;
- b) Causing death to more than one person or causing other particularly serious consequences.

5. The offenders may also be subject to a fine of between fifty million dong and five hundred million dong, the confiscation of part or whole of their property, to probation or residence ban for one to five years.

**Article 198.-Harboring the illegal use of narcotics**

1. Those who lease or lend places or commit any other act of harboring the illegal use of narcotics shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) Abusing positions and/or powers;
- b) Committing the crime more than once;
- c) Against children;
- d) Against more than one person;
- e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between fifty million dong and two hundred million dong, the confiscation of part of whole or their property.

**Article 199.-Illegal use of narcotics**

1. Those who illegally use narcotics in any form, have been educated time and again and administratively handled through the measure of being sent to compulsory medical treatment establishments but continue to illegally use narcotics, shall be sentenced to between three months and two years of imprisonment.

2. Those who relapse into this crime shall be sentenced to between two and five years of imprisonment.

**Article 200.-Forcing, inducing other persons into illegal use of narcotics**

1. Those who force or induce other persons into illegal use of narcotics shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) For base motivation;
- d) Against juveniles aged full 13 or older;
- e) Against women who, the offenders knows to be pregnant;
- f) Against more than one person;
- g) Against persons who are giving up their addiction;
- h) Causing harms to other persons' health with an infirmity rate of between 31% and 60%;
- i) Infecting other persons with dangerous diseases;
- j) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen years and twenty years of imprisonment:

- a) Causing harm to other persons' health with an infirmity rate of 61% or higher or causing human death;
- b) Infecting other persons with dangerous diseases;
- c) Against children aged under 13 years.

4. Committing the crime and causing the death of more than one person or other particularly serious consequences, the offenders shall be subject to 20-years imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and one hundred million dong.

**Article 201.- Breaching regulations on management and use of addictive drugs or other narcotic substances**

1. Those who are responsible for the export, import, trading, transport, preservation, distribution, allocation and/or use of addictive drugs or other narcotic substances but violate the regulations on management and use of such

substances, shall be subject to a fine of between five million dong and one hundred million dong or to a prison term of between one year and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Causing serious consequences.

3. Committing the crime in cases where very serious consequence are caused the offenders shall be sentenced to between twelve and twenty years of imprisonment.

4. Committing the crime in cases where particularly serious consequences are caused, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

## **Chapter XIX**

### **CRIMES OF INFRINGEMENT UPON PUBLIC SAFETY, PUBLIC ORDER**

#### **Article 202.-Breaching regulations on operating road vehicles**

1. Those who operate road vehicles and breach the regulations on land road traffic safety, causing loss of lives or serious damage to the health and/or property of other persons shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the offense in one of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:

- a) Without driving permits or licenses as prescribed;

b) While being intoxicated by alcohol or other strong intoxicants;

c) Causing accidents then fleeing in order to shirk responsibility or deliberately refusing to rescue the victims;

d) Failing to obey the signals and orders of persons who are performing the task of traffic control or guidance;

e) Causing very serious consequences.

3. Committing such crimes resulting in particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Breaching the regulations on land road traffic safety, which may actually entail particularly serious consequences if not prevented in time, the offenders shall be subject to non-custodial reform for up to one year or a prison term of between three months and two years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 203.-Obstructing road traffic**

1. Those who commit one of the following acts of obstructing road traffic, causing loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between five million dong and thirty million dong, non-custodial reform for up to two years or a prison term of between three months and three years:

a) Illegally digging, drilling and/or cutting land road traffic works;

b) Illegally placing obstacles that obstruct road traffic;

c) Illegally dismantling, removing, dislocating, shielding or destroying traffic signals and/or safety facilities;

d) Illegally opening intersections across land roads and/or roads with median strips;

- e) Grabbing, occupying pavements, road surfaces;
  - f) Grabbing, occupying road protection corridors;
  - g) Violating the regulations on ensuring traffic safety while carrying out construction on roads;
  - h) Other acts of obstructing traffic.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:
- a) At passes, slopes and dangerous road sections;
  - b) Causing very serious consequences.
3. Committing the offense which entails particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.
4. Committing the crime in cases where particularly serious consequences may actually occur if not prevented in time, the offenders shall be subject to a fine of between five million dong and twenty million dong, non-custodial reform or a prison term of between three months and one year.

**Article 204.-Using vehicles which fail to meet safety standards**

1. Those who take direct responsibility for the mechanical status of road vehicles and permit the use of those road vehicles in circumstances where they obviously fail to meet mechanical safety standards causing the loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between ten million dong and fifty million dong, to non-custodial reform for up to three years or a prison term of between six months and five years.
2. Committing the offense and causing very serious or particularly serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 205.-Mobilizing or assigning unqualified persons to operate road vehicles**

1. Those who mobilize or assign persons who have no driving permits or licenses or do not fully meet other conditions prescribed by law to operate road vehicles, causing loss of life or serious damage to the health and/or property of other persons, shall be subject to a fine of between three million dong and thirty million dong, non-custodial reform for up to three years or a prison term of between one and three years.

2. Committing the offense and causing very serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 206.-Organizing illegal motor races**

1. Those who illegally organize races for cars, motor bicycles or other types of motorized vehicles shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) Organizing large-scale motor races;

b) Organizing bettings;

c) Organizing the resistance against persons bearing the responsibility of ensuring traffic order and safety or persons with responsibility to disperse the illegal races;

- d) Organizing motor races in densely populated areas;
- e) Disassembling safety devices on vehicles being raced;
- f) Causing loss of lives or serious damage to the health and/or property of other persons;
- g) Relapsing into this crime or the crime of illegal motor vehicle racing.

3. Committing the crime which constitutes a dangerous recidivism or entails very serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and thirty million dong.

#### **Article 207.-Illegal motor racing**

1. Those who participate in illegal car, motor bicycle or other motorized vehicle races, causing damage to the health and/or property of other persons or have already been administratively sanctioned for such act or have already be sentenced for such offense, not yet entitled to criminal record remission but still commit it, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Causing loss of life or serious damage to the health and/or property of other persons;

b) Causing accidents then fleeing away in order to shirk the responsibility or deliberately refusing to rescue the victims;

- c) Participating in betting;
- d) Opposing the persons responsible for ensuring traffic order and safety or persons responsible for dispersing illegal motor races.
- e) Racing in densely populated areas;
- f) Disassembling safety devices on the vehicle being raced;
- g) Relapsing into this crime or the crime of organizing illegal motor races.

3. Committing the crime which constitutes a dangerous recidivism or entails very serious consequences, the offenders shall be sentenced to between five years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve and twenty years of imprisonment;

5. The offenders may also be subject to a fine of between five million dong and thirty million dong.

**Article 208.-Breaching the regulations on operating railway vehicles**

1. Those who command or operate railway vehicles and violate the regulations on railway traffic safety, causing loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three years and ten years of imprisonment:

a) Having no permits, licenses or professional certificates corresponding to the assigned tasks;

b) In the state of intoxication due to the use of alcohol beyond the prescribed limits or intoxication due to the use of other strong intoxicants;

- c) Causing accidents then fleeing in order to shirk responsibility or deliberately refusing to assist victims of the accident;
  - d) Failing to obey the orders of the commanders or persons competent to control and maintain railway traffic order and safety;
  - e) Causing very serious consequences.
3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.
4. Committing the crime in cases where particularly serious consequences may actually occur if they are not warded off in time, the offenders shall be subject to a fine of between ten million dong and fifty million dong, to non-custodial reform for up to two years or a prison term of between six months and three years.
5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 209.-Obstructing railway traffic**

1. Those who commit one of the following acts of obstructing railway traffic, causing loss of lives or serious damage to the health and/or property of other persons or who have already been administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or to a prison term of between one and five years:
- a) Placing obstacles on railways;
  - b) Dislocating rails and/or sleepers;
  - c) Illegally drilling, digging and/or cutting railway beds, illegally opening roads across railway lines;
  - d) Damaging, changing, removing and/or shielding signals, signboards and/or marker posts of railway traffic works;

e) Letting animals cross railways in contravention of regulations or letting animals drag carts across railways without persons handling the animals;

f) Illegally operating self-made rail vehicles and/or banned vehicles on railways;

g) Illegally grabbing and occupying areas restricted for ensuring safety of railway traffic works;

h) Other acts of obstructing railway traffic.

2. Committing the offense and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime in cases where it may actually entail particularly serious consequences may actually if they are not warded off in time, the offenders shall be subject to a fine of between three million dong and thirty million dong, to non-custodial reform for up to one year or a prison term of between three months and two years.

**Article 210.-Putting to use railway vehicles which fail to meet safety standards**

1. Those who take direct responsibility for the mechanical status of railway vehicles and permit the use of railway vehicles which obviously fail to ensure the safety, causing the loss of lives or serious damage to the health and/or property of other persons, or who have already been disciplined for such act but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the offense and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the offense and causing particularly serious

consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 211.-Mobilizing or assigning unqualified persons to operate railway traffic means**

1. Those who mobilize or assign persons who have no driving permits or licenses or fail to meet other conditions prescribed by law to command or operate railway vehicles means, thus causing loss of lives or serious damage to the health and/or property of other persons or who have already been disciplined for such act but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform or a prison term of between one and five years.

2. Committing the offense and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders shall also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 212. - Breaching the regulations on operating waterborne transport devices**

1. Those who operate waterborne transport devices and violate the regulations on waterway traffic safety, causing loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) Having no permits, licenses or professional certificates corresponding to the assigned tasks;

b) Being in the state of intoxication due to the use of alcohol beyond the prescribed limits or the use of other strong intoxicants;

c) Causing an accident then fleeing in order to shirk responsibility or deliberately refusing to assist the victims;

d) Failing to obey the orders of the persons who command or persons competent to control and maintain waterway traffic order and safety;

e) Causing very serious consequences.

3. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime in cases where particularly serious consequences may actually occur if not warded off in time, the offenders shall be subject to a fine of between five million dong and thirty million dong, non-custodial reform for up to two years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 213.-Obstructing waterway traffic**

1. Those who commit one of the following acts of obstructing waterway traffic, causing loss of lives or serious damage to the health and/or property of other persons shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform or a prison term of between one and five years:

a) Illegally carrying out drillings or diggings, thus damaging the structure of waterway traffic works;

b) Creating barricades, thus obstructing waterway traffic without placing and maintaining signals;

c) Removing signals, reducing their effect and usefulness;

d) Dismantling signals or destroying waterway traffic works;

e) Grabbing and occupying waterway traffic lines or their protection corridors;

f) Other acts of obstructing waterway traffic.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime in cases where it may actually entail particularly serious consequences if not warded off in time, the offenders shall be subject to a fine of five million dong to thirty million dong, to non-custodial reform for up to one year or to a prison term of between three months and two years.

**Article 214.- Putting into use waterborne transport devices which fail to meet safety standards**

1. Those who are directly responsible for the mobilization or technical status of waterway traffic means but permit the use of the waterborne transport devices which obviously fail to meet safety standards, causing loss of lives or serious damage to the health and/or property of other persons, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 215.-Mobilizing or assigning unqualified persons to operate waterborne transport devices**

1. Those who mobilize or assign persons who have no driving permits or licenses or who fail to meet other conditions as prescribed by law to operate waterborne transport devices, causing the loss of lives or serious damage to the health and/or property of other persons, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform or to a prison term of between one and five years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 216.-Breaching regulations relating to the operation of aircrafts**

1. Those who command or operate aircraft but violate the regulations on air traffic safety, which may actually entail particularly serious consequences if not warded off in time, shall be subject to a fine of between five million dong and fifty million dong, to non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three to ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between seven years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

#### **Article 217.-Obstructing air traffic**

1. Those who commit one of the following acts of obstructing air traffic, causing loss of lives or serious damage to the health and/or property of other persons or have already been disciplined or administratively sanctioned for such act or sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years:

- a) Placing barricades which obstruct air traffic;
- b) Illegally removing, dislocating, shielding or destroying air traffic safety signs and/or signals;
- c) Wrongly using or interfering with communications frequencies;
- d) Providing wrong information, posing danger to flights;
- e) Damaging airport equipment or other support facilities;
- f) Other acts of obstructing air traffic.

2. Committing the crime in one of the following cases, the offenders shall be sentenced to between three and ten years of imprisonment:

a) They are persons directly responsible for ensuring the air traffic safety or directly manage air traffic safety equipment;

b) Causing very serious consequences.

3. Committing the crime and causing particularly serious consequences, the offenders shall be subject to between seven and fifteen years of imprisonment.

4. Committing the crime which may actually entail particularly serious consequences if not warded off in time, the offenders shall be subject to a fine of between five million dong and twenty million dong, to non-custodial reform for up to three years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 218.-Putting into use aircrafts which fail to meet safety standards**

1. Those who are directly responsible for the mechanical status of aircrafts but permit the use of such aircraft which obviously fail to meet technical safety standards shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between eight years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 219.-Mobilizing or assigning unqualified persons to operate aircrafts**

1. Those who mobilize or assign persons who have no piloting licenses or fail to fully meet other conditions prescribed by law to operate aircrafts shall be sentenced to between one and five years of imprisonment.
2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three years and ten years of imprisonment.
3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between eight years and fifteen years of imprisonment.
4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment.
5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 220.- Breaching regulations on maintenance, repair and/or management of traffic works**

1. Those who are responsible for the maintenance, repair and/or management of road, railway, waterway or airway traffic works but violate the regulations thereon, causing the loss of lives or serious damage to the health and/or property of other persons shall be subject to a between of from five million dong and one hundred million dong, non-custodial reform or a prison term of between six months and three years.
2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.
3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 221.-Hijacking aircrafts, ships**

1. Those who use force, threaten to use force or use other tricks to appropriate aircrafts or ships shall be sentenced to between seven and fifteen years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve years and twenty years of imprisonment:

a) In an organized manner;

b) Using weapons or dangerous means;

c) Inflicting injury on or causing harm to the health of other persons;

d) Dangerous recidivism.

3. Committing the crime and causing human death or other particularly serious consequences, the offenders shall be sentenced to twenty years imprisonment, life imprisonment or capital punishment.

4. The offenders may also be subject to probation or residence ban for between one and five years.

**Article 222.-Operating aircrafts in violation of aviation regulations of the Socialist Republic of Vietnam**

1. Those who operate aircrafts into or out of Vietnam and violate the aviation regulations of the Socialist Republic of Vietnam in circumstances other than those stipulated in Articles 80 and 81 of this Code shall be subject to a fine of between one hundred million dong and three hundred million dong or a prison term of between six months and three years.

2. Committing the crime and causing serious consequences, the offenders shall be subject to a fine of between three hundred million dong and five hundred million dong or a prison term of between two and seven years.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be subject to a fine of between five hundred million dong and one billion dong or a prison term of between five years and ten years.

4. The aircraft may be confiscated.

**Article 223.-Operating maritime means in violation of navigation regulations of the Socialist Republic of Vietnam**

1. Those who operate ships or other waterborne transport devices into or out of Vietnam or pass through Vietnam's territorial waters and violate the navigation regulations of the Socialist Republic of Vietnam in circumstances other than those stipulated in Articles 80 and 81 of this Code shall be subject to a fine of between fifty million dong and two hundred million dong or a prison term of between three months and two years.

2. Committing the crime and causing serious consequences, the offenders shall be subject to a fine of between two hundred million dong and five hundred million dong or a prison term of between one and three years.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be subject to a fine of between five hundred million and eight hundred million dong or a prison term of between three and seven years.

4. The waterborne transport device may be confiscated.

**Article 224.-Creating and spreading, scattering electronic virus programs**

1. Those who create and intentionally spread or scatter virus programs through computer networks or by other methods, thus causing operation disorder, blockading, deformation or destruction of computer data or who have already been disciplined or administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between five million dong and one hundred million dong or a prison term of between six months and three years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 225.- Breaching regulations on operating, exploiting and using computer networks**

1. Those who are allowed to use computer networks but violate the regulations on operating, exploiting and using the computer networks, causing operation disorder, blockading or deformation or destruction of computer data or who have already been disciplined, administratively sanctioned for such act but continue to commit it, shall be subject to a fine of between five million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between one and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced between two and five years of imprisonment:

a) In an organized manner;

b) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 226.- Illegally using information in computer networks**

1. Those who illegally use information in computer networks and computers as well as put information into computer networks in contravention of law provisions, causing serious consequences, who have already been disciplined, administratively sanctioned but continue to commit it, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three

years or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and five years of imprisonment:

a) In an organized manner;

b) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 227.- Breaching regulations on labor safety, labor hygiene, safety in crowded places**

1. Those who breach regulations on labor safety, labor hygiene, safety in places crowded with people, causing loss of lives or serious damage to the health and/or property of other persons, shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) They are persons responsible for labor safety, labor hygiene or safety in crowded places;

b) Causing very serious consequences.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and twelve years of imprisonment.

4. Committing the crime in cases where the particularly serious consequences may actually occur if not warded off in time, the offenders shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 228.-Breaching regulations on employment of child labor

1. Those who employ children to perform jobs which are heavy, dangerous or in contact with hazardous substances on the lists prescribed by the State, causing serious consequences, or who have already been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Committing the crime more than once;

b) Against more than one children;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between two million dong and twenty million dong.

**Article 229.-Breaching regulations on construction, causing serious consequences**

1. Those who violate the regulations on construction in the fields of survey, design, construction, and use of raw materials, materials, machinery, pre-acceptance test or other fields in circumstances other than those stipulated in Article 220 of this Code, causing the loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) They are persons with positions and powers;
- b) Causing very serious consequences.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between eight and twenty years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 230.-Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means**

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate military weapons and/or technical means shall be sentenced to between one and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

- a) In an organized manner;
- b) Objects involved in the offense are in great quantity;
- c) Conducting cross-border transport or trading;
- d) Causing serious consequences;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten years and fifteen years of imprisonment:

- a) The objects involved in the offense are in very great quantity;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

a) The objects involved in the offense are in particularly great quantity;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, to probation or residence ban for one to five years.

**Article 231.- Destroying important national security works and/or facilities**

1. Those who destroy communications and transport, works or facilities information-communication works or facilities, electricity and/or gas works, irrigation works or other important works relating to security, defense, economy, sciences and techniques, culture and social affairs in the circumstances other than those stipulated in Article 85 of this Code, shall be sentenced to between three years and twelve years of imprisonment

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten and twenty years of imprisonment, life imprisonment or capital punishment:

a) In an organized manner;

b) Causing particularly serious consequences;

c) Dangerous recidivism.

3. The offenders may also be subject to probation for one to five years.

**Article 232.- Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials**

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate explosive materials shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Objects involved in the offense are in great quantity;
- c) Conducting cross-border transportation and/or trading;
- d) Causing serious consequences;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) The objects involved in the offense are in very great quantity;
- b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

- a) Objects involved in the offense are in particularly great quantity;
- b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, to probation or residence ban for one to five years.

**Article 233.-Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating rudimentary weapons or support devices**

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate rudimentary weapons or support

devices, have already been administratively sanctioned for such acts, or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be sentenced to between three months and two years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

- a) In an organized manner;
- b) Objects involved in the offense are in great quantity;
- c) Conducting cross-border transportation and/or trading;
- d) Causing serious consequences;
- e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, probation or residence ban for one to five years.

**Article 234.-Breaching regulations relating to the management of weapons, explosive materials, support devices**

1. Those who breach regulations on management of the production, repair, supply, use, maintenance, storage, transport and trading of weapons, explosive materials, support devices, causing the loss of lives or serious damage to the health and/or property of other persons, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between ten and fifteen years of imprisonment.

4. Committing the offense in cases where particularly serious consequences may actually occur if not warded off in time, the offenders shall be subject to non-custodial

reform for up to three years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 235.-Neglecting responsibilities relating to the keeping of weapons, explosive materials and support devices, causing serious consequences**

1. Those who are assigned weapons, explosive materials and/or support devices but neglect their responsibility and let other persons use such weapons, explosive materials and/or support devices, causing the loss of lives or serious damage to the health and/or property of other persons, shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 236.-Illegally producing, stockpiling, transporting, using, trading in or appropriating radioactive elements**

1. Those who illegally produce, stockpile, transport, use, trade in or appropriate radioactive elements shall be sentenced to between two and seven years of imprisonment.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

a) In an organized manner;

b) The objects involved in the offense are in great quantity;

c) Conducting cross-border transportation and/or trading;

d) Causing serious consequences;

e) Dangerous recidivism.

3. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between ten and fifteen years of imprisonment:

a) The objects involved in the offenses are in very great quantity;

b) Causing very serious consequences.

4. Committing the offense in one of the following circumstances, the offender shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

a) The objects involved in the offense are in particularly great number;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, probation or residence ban for one to five years.

**Article 237.-Breaching regulations relating to the management of radioactive elements**

1. Those who violate the regulations relating to the management of the production, supply, use, preservation, storage, transport and/or trading of radioactive elements, which may actually entail serious consequences if not warded off in time, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing the loss of lives or damage to the health of other persons, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between fifteen and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 238.-Illegally producing, stockpiling, transporting, using or trading in inflammables, toxins**

1. Those who illegally produce, stockpile, transport, use and/or trade in inflammables and/or toxins shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) The objects involved in the offense are in great quantity;
- c) Conducting cross-border transportation and/or trading;
- d) Causing serious consequences;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) The objects involved in the offenses are in very great quantity;
- b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to from fifteen to twenty years of imprisonment or life imprisonment:

- a) The objects involved in the offenses are in particularly great quantity;

b) Causing particularly serious consequences.

5. The offenders may also be sentenced to a fine of between five million dong and fifty million dong, the probation or residence ban for one to five years.

**Article 239.-Breaching the regulations relating to the management of inflammables, toxins**

1. Those who violate the regulations relating to the management of the production, supply, use, preservation, storage, transport or trading of inflammables and/or toxins, causing the loss of lives or serious damage to the health and/or property of other persons shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 240.-Breaching regulations on fire prevention and fighting**

1. Those who violate the regulations on fire prevention and fighting, causing the loss of lives or serious damage to the health and/or property of other persons shall be sentenced to non-custodial reform for up to three years or to between six months and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and eight years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and twelve years of imprisonment.

4. Committing the crime in cases where particularly serious

consequences may actually occur if not warded off in time, the offenders shall be sentenced to warning, non-custodial reform for up to two years or between three months and two years of imprisonment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 241.-Breaching the regulations on safety in operating electricity works**

1. Those who commit one of the following acts causing serious consequences or have been disciplined or administratively sanctioned for such act but continue to commit it shall be sentenced to non-custodial reform for up to three years or to between six months and three years of imprisonment:

a) Permitting the construction of or constructing without permission, houses and works within electricity work safety corridors;

b) Causing explosion, fires, burning forests for milpa building, felling trees, affecting the operative safety of electricity works;

c) Digging holes, driving stakes and/or building houses on corridors designed to protect underground electric cables;

d) Anchoring ships and/or boats in the corridors designed to protect of electric cables in riverbeds or sea beds, which have been warned off with notices or signboards.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

4. Committing the crime in cases where particularly serious consequences may actually occur if not warded off in time, the offenders shall be sentenced to non-custodial reform

for up to two years or between three months and two years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 242.- Breaching regulations on medical examination and treatment, drug production, preparations, supply and sale or other medical services**

1. Those who violate the regulations on medical examination and treatment, drug production, preparations, supply and sale or other medical services in circumstances other than those stipulated in Article 201 of this Code, causing the loss of lives or serious damage to the health of other persons or have already been disciplined or administratively sanctioned for such acts or have already sentenced for such offenses, not yet entitled to criminal record remission but continue their violation, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 243.-Illegal abortion**

1. Those who perform illegal abortions for other persons, causing loss of lives or serious damage to the health of such persons, or who have already been disciplined or administratively sanctioned for such act or already sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be sentenced to non-custodial reform for up to three years or between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 244.-Reaching regulations on food safety and hygiene**

1. Those who process, supply or sell food which, they know, fails to meet the criteria on safety and hygiene, causing loss of life or serious damage to the health of consumers, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 245.-Causing public disorder**

1. Those who foment public disorder, causing serious consequences or who have been already administratively sanctioned for such act or sentenced for such offense, not yet entitled to criminal record remission but continue to commit such act, shall be sentenced to a fine of between one million dong and ten million dong, non-custodial reform for up to two years or between three months and two years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) Using weapons or committing acts of devastation;
- b) In an organized manner;
- c) Causing serious obstruction to traffic or cessation of public activities;
- d) Inciting other persons to cause disorder;
- e) Assaulting persons who intervene to keep the public order;
- f) Dangerous recidivism.

**Article 246.-Interfering with human corpses, graves and/or remains**

1. Those who dig and/or destroy graves or tombs, appropriate objects left therein or thereon or commit other acts of interference with human corpses, graves or tombs and/or remains, shall be sentenced to non-custodial reform for up to one year or between three months' and two years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between one and five years of imprisonment.

**Article 247.-Performing superstitious practices**

1. Those who perform fortune-telling, medium practices or other forms of superstition, causing serious consequences, or who have already been administratively sanctioned for such acts or already sentenced for such offenses, not yet entitled to criminal record remission but continue to commit them, shall be sentenced to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or to between six months and three years of imprisonment.

2. Committing the crime and causing human death or other particularly serious consequences, the offenders shall be sentenced to between

three years and ten years of imprisonment.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong.

**Article 248.-Gambling**

1. Those who engage in gambling in any form of winning or losing money or things of great value or have already been administratively sanctioned for acts stipulated in this Article and Article 249 of this Code or have already been sentenced for one of such offenses, not yet entitled to criminal record remission but continue to commit them, shall be sentenced to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or between three months and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) The offense is of professional character;

b) Money or kinds used in gambling are of very great or particularly great value;

c) The offense constitutes dangerous recidivism.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong.

**Article 249.-Organizing gambling or running gambling-dens**

1. Those who organize gambling or run gambling dens on a large scale or who have already been administratively sanctioned for the acts defined in this Article and Article 248 of this Code or have already been sentenced for one of such offenses, not yet entitled to criminal record remission but continue to commit them, shall be sentenced to a fine of between ten million dong and three hundred million dong or to between one year and five years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between three years and ten years of imprisonment:

- a) The offense is of professional character;
  - b) Illegally gaining large, very large or particularly large amounts of profit;
  - c) The offense constitutes dangerous recidivism.
3. The offenders may also be subject to a fine of between five million dong and one hundred million dong, the confiscation of part or whole of their property.

**Article 250.-Harboring or consuming property acquired through the commission of crime by other persons**

1. Those who, without prior promise, harbor or consume property with the full knowledge that it was acquired through the commission of crime by other persons, shall be sentenced to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Being of professional character;
- c) The property or things involved in the offense are of great value;
- d) Gaining large amount of illicit profits;
- e) The offense constitutes a case of dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced between five years and ten years of imprisonment:

- a) The property or things involved in the offense are of very great value;
- b) A very large amount of profit is illegally gained.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) The property or things involved in the offense are of particularly great value;
- b) Particularly great amount of profit is illegally gained.

5. The offenders may also be subject to a fine of between three million dong and thirty million dong and/or the confiscation of part or whole of their property.

**Article 251.-Laundering money and/or property obtained through the commission of crime**

1. Those who, through financial and/or banking operations or other transactions, legalize money and/or property obtained through the commission of crime or use such money and/or property to conduct business activities or other economic activities, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Committing the offense more than once.

3. Committing the crime in particularly serious circumstances, the offenders shall be sentenced to between five and fifteen years of imprisonment.

4. The offenders may also be subject to the confiscation of property, a fine treble the amount of money or the value of the property, which have been legalized, to a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 252.-Crimes of enticing compelling juveniles to commit offenses or harboring juvenile offenders**

1. Those who entice or compel juveniles into criminal activities or a depraved life or harbor juvenile offenders shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and twelve years of imprisonment:

a) In an organized manner;

b) Enticing, compelling, harboring and/or inducing more than one person;

c) Against children under 13 years of age;

d) Causing serious, very serious or particularly serious consequences;

e) Constituting a serious case of recidivism.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong.

Offenders falling under the case prescribed at Point e, Clause 2, this Article, may also be subject to probation for one to five years.

#### **Article 253.-Disseminating debauched cultural products**

1. Those who make, duplicate, circulate, transport, sell or purchase, stockpile decadent books, newspapers, pictures, photographs, films, music or other objects for the purpose of dissemination thereof, or commit other acts of disseminating debauched cultural products in one of the following circumstances, shall be sentenced to a fine of between five million dong and fifty million dong, to non-custodial reform for up to three years or to between six months and three years of imprisonment:

a) The offense involves a large quantity of cultural products;

b) The cultural products are disseminated to more than one person;

c) The offenders have already been administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Objects involved in the offense are in very great quantity;

c) Against juveniles;

d) Causing serious consequences;

e) Constituting a case of dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) The objects involved in the offense are in particularly great quantity;

b) Very serious or particularly serious consequences are caused.

4. The offenders may also be subject to a fine of between three million dong and thirty million dong.

#### **Article 254.-Harboring prostitutes**

1. Those who harbor prostitutes shall be sentenced to between one and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and fifteen years of imprisonment:

a) In an organized manner;

b) Coercing other persons into prostitution;

c) Committing the crime more than once;

d) Against juveniles aged between full 16 years and under 18 years;

e) Causing serious consequences;

f) Constituting a case of dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve years and twenty years of imprisonment:

a) Against children aged between full 13 years and under 16 years;

b) Causing very serious consequences.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and one hundred million dong, the confiscation of part or whole of property, probation for one to five years.

#### **Article 255.-Procuring prostitutes**

1. Those who entice or procure prostitutes shall be sentenced to between six months and five years of imprisonment.

2. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) Against juveniles aged between full 16 years and under 18 years;

b) In an organized manner;

c) Being of professional character;

d) Committing the offense more than once;

e) Constituting a case of dangerous recidivism;

f) Against more than one person;

g) Causing other serious consequences.

3. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Against children aged between full 13 years and under 16 years;

b) Causing very serious consequences.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve and twenty years of imprisonment.

5. The offenders may also be subject to a fine of between one million and ten million dong.

#### **Article 256.-Sexual intercourse with juveniles**

1. Those who have paid sexual intercourses with juveniles aged between full 16 years and under 18 years shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and eight years of imprisonment:

a) Committing the offense more than once;

b) Having paid sexual intercourse with children aged between full 13 years and under 16 years;

c) Causing harm to the victims' health with an infirmity rate of between 31% and 60%.

3. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) The offense is committed more than once against children aged between full 13 years and under 16 years;

b) The offense is committed even though the offenders know that they have been infected with HIV;

c) Harms are caused to the health of the victim with a infirmity rate of 61% or higher.

4. The offenders shall also be subject to a fine of between five million dong and ten million dong.

## **Chapter XX**

### **CRIMES OF INFRINGING UPON ADMINISTRATIVE MANAGEMENT ORDER**

#### **Article 257.- Resisting persons in the performance of their official duties**

1. Those who use force, threaten to use force or use other tricks to obstruct persons in the performance of their official duties or coerce them to perform illegal acts, shall be sentenced to non-custodial reform for up to three years or between six months' and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Committing the offense more than once;
- c) Instigating, inducing, involving, inciting other persons to commit the offense;
- d) Causing serious consequences;
- e) Constituting a case of dangerous recidivism.

#### **Article 258.-Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens**

1. Those who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be subject to warning, non-custodial reform for up to three

years or a prison term of between six months and three years.

2. Committing the offense in serious circumstances, the offenders shall be sentenced to between two and seven years of imprisonment.

**Article 259.-Evading military service**

1. Those who fail to strictly abide by the law provisions on military service registration, fail to abide by the order for enlistment into the army, the summoning order for military training, have already been administratively sanctioned for such acts or have already been sentenced for such offenses, not yet entitled to criminal record remission but continue to commit such violations, shall be sentenced to non-custodial reform for up to two years or between three months' and two years of imprisonment.

2. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) The offenders inflict injuries on themselves or harm to their health;

b) The offenses are committed during war time;

c) The offenders drag other persons into committing the offenses.

**Article 260.-Failing to abide by the order to summon reserve army men for enlistment into the army**

1. Those who are reserve army men but refuse to obey the order for enlistment into the army in case of general mobilization, local mobilization, war or of a demand to reinforce the regular force of the army for combat to defend localities, to defend the territorial sovereignty, shall be sentenced to non-custodial reform for up to three years or between six months' and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) The offenders inflict injuries on themselves or harms to their health;

b) The offenders drag other persons into committing the offense.

**Article 261.-**

**Acting against the regulations on the performance of military service**

1. Those who abuse positions and/or powers to act against the regulations on military service registration, the order for enlistment into the army and/or the summoning order for military trainings shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

2. Committing the offense during the war time, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be banned from holding certain posts for one to five years.

**Article 262.-Obstructing the performance of military service**

1. Those who deliberately obstruct the military service registration, the summon for enlistment into the army, the summon for military training, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the offense in cases of abusing positions and/or powers or during war time, the offenders shall be sentenced to between one and five years of imprisonment.

**Article 263.-Deliberately disclosing State secrets; appropriating, trading in and/or destroying State secret documents**

1. Those who deliberately disclose State secrets or appropriate, trade in and/or destroy State secret documents in circumstances other than those defined in Article 80 of this Code, shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between ten and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between ten million dong and one hundred million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 264.-Unintentionally disclosing State secrets, losing State secret documents**

1. Those who unintentionally disclose State secrets or lose State secret documents shall be sentenced to non-custodial reform for up to three years or between six month's and three years of imprisonment.

2. If causing serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 265.-Assuming false position or rank**

Those who assume false position or rank in order to commit illegal acts shall be sentenced to non-custodial reform for up to two years or between three months and two years of imprisonment.

**Article 266.-Amending and/or using certificates and papers issued by agencies and/or organizations**

1. Those who amend, falsify the contents of passports, visas, household registration, civic status registration or various kinds of certificates and other documents of agencies and/or organizations and use such papers to commit illegal acts, causing serious consequences, or have already been administratively sanctioned for such acts but continue to commit them, shall be subject to warning, a fine of between one million dong and ten million dong, non-custodial reform

for up to three years or a prison term of between six months and three years.

2. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between two and five years of imprisonment:

- a) In organized manner;
- b) Committing the crime more than once;
- c) Causing very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of between one million dong and five million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 267.-Forging seals and/or documents of agencies and/or organizations.**

1. Those who forge seals, documents or other papers of agencies and/or organizations or use such seals, documents or papers to deceive agencies, organizations and/or citizens, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and five years of imprisonment:

- a) In an organized manner;
- b) Committing the offense more than once;
- c) Causing serious consequences;
- d) Constituting a case of dangerous recidivism.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between four and seven years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong.

**Article 268.-Appropriating, trading in, destroying seals and/or documents issued by State agencies and/or social organizations**

1. Those who appropriate, trade in and/or destroy seals and/or documents of State agencies and/or social organizations, which are not classified as State secrets or work secrets, shall be subject to a fine of between one million dong and ten million dong, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) In an organized manner;

b) Causing serious, very serious or particularly serious consequences;

c) Constituting a case of dangerous recidivism.

3. The offenders may also be subject to a fine of between one million dong and five million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 269.-Failing to execute administrative decisions of competent State agencies on sending offenders to establishments for reeducation, medical treatment or administrative probation**

Those who deliberately refuse to execute administrative decisions of competent State agencies on sending offenders to establishments for reeducation, medical treatment, or administrative probation despite the application of necessary coercive measures, shall be sentenced to between six months and three years of imprisonment.

**Article 270.-Breaching regulations on management of dwelling houses**

1. Those who appropriate space for housing, build dwellings illegally, have already been administratively sanctioned for such acts or already sentenced for such offenses, not

yet entitled to criminal record remission but continue to commit the violations, shall be sentenced to non-custodial reform for up to two years or between three months and two years of imprisonment. Dwelling houses and works, which have been built illegally, may be dismantled, compulsorily purchased or confiscated.

2. The offenders may also be subject to a fine of between five million dong and fifty million dong.

Article 271.-Breaching regulations relating to the publication and distribution of books, newspapers, audio discs and tapes, video discs and tapes or other printed matters

1. Those who violate regulations relating to the publication and distribution of books, newspapers, audio discs and tapes, video discs and tapes or other printed matters shall be subject to warning, a fine of between ten million dong and one hundred million dong, non-custodial reform for up to one year or a prison term of between three months and one year.

2. The offenders may also be subject to a fine of between ten million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 272.- Breaching regulations relating to the protection and use of historical or cultural relics, famous landscapes and scenic places, causing serious consequences

1. Those who violate regulations relating to the protection and use of historical or cultural relics, famous landscapes and scenic places, thus causing serious consequences or have already been administratively sanctioned for such acts or already been sentenced for such offenses, not yet entitled to criminal record remission but continue to commit the violations, shall be subject to warning, a fine of between two million dong and twenty million dong, non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime in cases where very serious or particularly serious consequences are caused, the offenders shall be sentenced to between two and seven years of imprisonment.

**Article 273.-Breaching regulations on border regions**

1. Those who violate the regulations on residence, movement or other regulations relating to border regions, have already been administratively sanctioned for such act or already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit the violation, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between six months and three years.

2. If the offense constitutes a case of recidivism or causes serious consequences, the offender shall be sentenced to between two and seven years of imprisonment.

3. The offenders may also be subject to a fine of between three million dong and thirty million dong, the residence ban for one to five years.

**Article 274.- Illegally leaving or entering the country; illegally staying abroad or in Vietnam**

Those who illegally leave or enter the country or stay abroad or in Vietnam, have already been administratively sanctioned for such act but continue the violation, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between three months and two years.

**Article 275.-Organizing and/or coercing other persons to flee abroad or to stay abroad illegally**

1. Those who organize and/or coerce other persons to flee abroad or stay abroad in cases other than those stipulated in Article 91 of this Code shall be sentenced to between two years and seven years of imprisonment.

2. If the offense is committed more than once or causes serious or very serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.

3. If particularly serious consequences are caused, the offenders shall be sentenced to between twelve and twenty years of imprisonment.

**Article 276.-Affronting the national flag or national emblem**

Those who deliberately affront the national flag and/or the national emblem shall be subject to warning, non-custodial reform for up to three years or a prison term of between six months and three years.

**Chapter XXI**

**CRIMES RELATING TO POSITION**

**Article 277.-Definition of position-related crimes**

Position-related crimes are acts of infringing upon the legitimate activities of agencies and/or organizations, which are carried out by persons holding positions whilst they are on official duties.

The persons with positions as mentioned above are those who are assigned through appointment, election, contract or other arrangements, with or without salaries, to perform certain official duties and have certain powers while performing such official duties.

**Section A. CRIMES OF CORRUPTION**

**Article 278.-Embezzling property**

1. Those who abuse their positions and/or powers to appropriate the property which they have the responsibility to manage and which is valued between five hundred thousand dong and fifty million dong, or which is under five hundred thousand dong but falls into one of the following cases, shall be sentenced to between two and seven years of imprisonment:

- a) Serious consequences are caused;
- b) The offenders have already been disciplined for such acts but continue to commit them;
- c) The offenders have already been sentenced for one of the offenses stipulated in Section A of this Chapter, not yet entitled to criminal record remission but continue to commit them.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Employing treacherous and dangerous tricks;
- c) Committing the offense more than once;
- d) Appropriating property valued between fifty million dong and two hundred million dong;
- e) Causing other serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

- a) Appropriating property valued between two hundred million dong and five hundred million dong;
- b) Causing other very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) Appropriating property valued at five hundred million dong or more;
- b) Causing other particularly serious consequences.

5. The offenders may also be banned from holding certain posts for one to five years, be subject to a fine of between ten million dong and fifty million dong, the confiscation of part or whole of their property.

#### **Article 279.- Receiving bribes**

1. Those who abuse their positions and/or power, have accepted or will accept directly or through intermediaries money, property or other material interests in any form valued between five hundred thousand dong and ten million dong, or under five hundred thousand dong but in

one of the following circumstances in order to perform or not to perform certain jobs for the benefits or at the request of the bribe offerers, shall be sentenced to between two and seven years of imprisonment:

- a) Serious consequences are caused;
- b) The offenders have already been disciplined for such acts but continue to commit them;
- c) The offenders have already been sentenced for one of the crimes stipulated in Section A, this Chapter, not yet been entitled to criminal record remission but continue to commit them.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Abusing positions and/or powers;
- c) Committing the offense more than once;
- d) Knowing clearly that the bribes are the State's property;
- e) Asking for bribes, harassing or employing treacherous tricks for bribes;
- f) The bribe is valued between ten million dong and under fifty million dong;
- g) Causing other serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

- a) Appropriating property valued between fifty million dong and under three hundred million dong;
- b) Causing other very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty

years of imprisonment, life imprisonment or capital punishment:

a) Appropriating property with valued at three hundred million dong or more;

b) Causing other particularly serious consequences.

5. The offenders shall also be banned from holding certain posts for one to five years, may be subject to a fine between one and five times the value of the bribe, and/or the confiscation of part or whole of property.

**Article 280.-Abusing positions and/or powers to appropriate property**

1. Those who abuse their positions and/or powers to appropriate other persons' property valued between five hundred thousand dong and under fifty million dong or under five hundred thousand dong but causing serious consequences, have been disciplined for such act or sentenced for one of the offenses defined in Section A, this Chapter, not yet entitled to criminal record remission but continue to commit it, shall be sentenced to between one and six years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between six years and thirteen years of imprisonment:

a) In an organized manner;

b) Employing perfidious and dangerous tricks;

c) Committing the crime more than once;

d) Dangerous recidivism;

e) Appropriating the property valued between five million and under two hundred million dong;

f) Causing other serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between thirteen and twenty years of imprisonment.

a) Appropriating the property valued between two hundred million dong and under five hundred million dong;

b) Causing other very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

a) Appropriating property valued at five hundred million dong or more;

b) Causing other particularly serious consequences.

5. The offenders shall also be banned from holding certain posts for one to five years, and/or may be subject to a fine of between ten million to fifty million dong.

**Article 281.-Abusing positions and/or powers while performing official duties**

1. Those who, for self-seeking or other personal motivation, abuse their positions and/or powers to act contrarily to their official duties, causing damage to the interests of the State and the society and/or the legitimate rights and interests of citizens shall be sentenced to non-custodial reform for up to three years or from one year to five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and ten years of imprisonment:

a) In an organized manner;

b) Committing the offense more than once;

c) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between ten and fifteen years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years, may be subject to a fine of between three million dong and thirty million dong.

**Article 282.-Abusing powers while performing official duties**

1. Those who, for self-seeking or other personal motivation, act beyond their powers contrarily to their official duties, causing damage to the interests of the State and the society, and/or to the legitimate rights and interests of citizens, shall be sentenced to between one and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

- a) In an organized manner;
- b) Committing the offense more than once;
- c) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between ten and twenty years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years, may be subject to a fine of between three million dong and thirty million dong.

**Article 283.-Abusing positions and/or powers to influence other persons for personal profits**

1. Those who abuse positions and/or powers, have accepted or will accept directly or through intermediaries money, property or other material interests in any form valued between five hundred thousand dong and under ten million dong, or under five hundred thousand dong but causing serious consequences, have already been disciplined for such act but continue to commit it, to use their influence and incite persons with positions and powers to do or not to do something within the sphere of their responsibility or directly related to their work or to do something they are not allowed to do, shall be sentenced to between one and six years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between six years and thirteen years of imprisonment:

- a) In an organized manner;
  - b) Committing the offense more than once;
  - c) The money, property or other material interests are valued between ten million dong and under fifty million dong;
  - d) Causing other serious consequences.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between thirteen and twenty years of imprisonment:
- a) The money, property or other material interests are valued between fifty million dong and under three hundred million dong;
  - b) Causing other very serious consequences.
4. Committing the offense in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment:
- a) The money, property or other material interests are valued at three hundred million dong or more;
  - b) Causing other particularly serious consequences.
5. The offenders shall also be banned from holding certain posts for one to five years, may be subject to a fine of from one to five times the amount of money or the value of the property they have earned for their personal profits.

**Article 284.-Forgery in the course of employment**

1. Those who, for self-seeking or other personal motivation, abuse their positions and/or powers to commit one of the following acts, shall be sentenced to between one and five years of imprisonment:
- a) Amending or falsifying contents of papers, documents;
  - b) Making and/or granting counterfeit papers;
  - c) Forging signatures of persons with positions and powers.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) The offenders are persons responsible for making or granting the papers and/or documents;

c) Committing the offense more than once;

d) Causing serious consequences

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve and twenty years of imprisonment.

5. The offenders shall also be banned from holding certain posts or doing certain jobs for one to five years, may be subject to a fine of between three million dong and thirty million dong.

## **Section B. OTHER CRIMES RELATING TO POSITION**

### **Article 285.-Negligence of responsibility, causing serious consequences**

1. Those who, due to negligence of their responsibility, fail to perform or improperly perform their assigned tasks, causing serious consequences in cases other than those stipulated in Articles 144, 235 and 301 of this Code, shall be sentenced to non-custodial reform for up to three years or between six months and five years of imprisonment.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between three years and twelve years of imprisonment.

3. The offenders shall also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 286.-Deliberately disclosing work secrets;  
appropriating, trading in or destroying documents  
containing work secrets**

1. Those who deliberately disclose work secrets or appropriate, trade in or destroy documents containing work secrets in cases other than those stipulated in Articles 80 and 263 of this Code, shall be sentenced to non-custodial reform for up to three years or between three months and three years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. The offenders shall also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 287.-Unintentionally disclosing work secrets;  
losing documents containing work secrets**

1. Those who unintentionally disclose work secrets or lose documents containing work secrets, causing serious, very serious or particularly serious consequences in cases other than those stipulated in Article 264 of this Code, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 288.-Deserting one's posts**

1. Those who are public employees but deliberately desert their working posts, causing serious consequences, shall be sentenced to non-custodial reform for up to two years or to between three months and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Dragging other persons into deserting their posts;

b) Committing the offense in circumstances of war, natural calamity or in other particularly difficult situation of the society;

c) Causing very serious or particularly serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

#### **Article 289.- Offering bribes**

1. Those who offer a bribe which has a value of between five hundred thousand dong and under ten million dong, or under five hundred thousand dong but cause serious consequences or commit it more than once, shall be sentenced to between one and six years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between six months and thirteen years of imprisonment:

a) In an organized manner;

b) Employing treacherous tricks;

c) Using State property to offer bribes;

d) Committing the offense more than once;

e) The bribe has a value of between ten million dong and under fifty million dong;

f) Causing other serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between thirteen and twenty years of imprisonment:

a) The bribe has a value of between fifty million dong and under three hundred million dong;

b) Causing other very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty

years of imprisonment, life imprisonment or capital punishment:

a) The bribe has a value of three hundred million dong or more;

b) Causing other particularly serious consequences.

5. The offenders may also be subject to a fine of between one and five times the value of the bribe.

6. Persons who are coerced to offer bribes but take initiative in reporting them before being detected may be exempt from penal liability and have part of or the entire property offered as bribes returned.

**Article 290.-Acting as intermediaries for bribery**

1. Those who act as intermediaries for bribery and the bribe has a value of between five hundred thousand dong and under ten million dong, or under five hundred thousand dong but causes serious consequences, or commit the offense more than once, shall be sentenced to between six months' and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Employing treacherous tricks;

c) Knowing that the bribes are State property;

d) Committing the offense more than once;

e) The bribe has a value of between ten million dong and under fifty million dong;

f) Causing other serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between eight years' and fifteen years of imprisonment:

a) The bribe has a value of between fifty million dong and under three hundred million dong;

b) Causing other very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment:

a) The bribe has a value of three hundred million dong or more;

b) Other particularly serious consequences are caused.

5. The offenders may also be subject to a fine of between one and five times the value of the bribe.

6. The bribery intermediaries who take initiative in reporting such before being detected, shall be exempt from penal liability.

**Article 291.-Taking advantage of one's influence over persons with positions and powers to seek personal benefits**

1. Those who directly or through intermediaries accept money, property or other material benefits in any form, valued between five hundred thousand dong and under fifty million dong, or under five hundred thousand dong but cause serious consequences, who have already been disciplined for such act but continue to commit it, to use their influence to entice persons with positions and powers to do or not to do things within their responsibility or to do things they are not allowed to do, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) Committing the offense more than once;

b) Accepting the money, property or other material benefits valued at fifty million dong or more;

c) Causing other serious, very serious or particularly serious consequences.

3. The offenders may also be subject to a fine of from one to five times the amount of money or the value of property they have taken for personal profits.

## **Chapter XXII**

### **CRIMES OF INFRINGING UPON JUDICIAL ACTIVITIES**

#### **Article 292.-Definition of crimes of infringing upon judicial activities**

Crimes of infringing upon judicial activities are acts of infringing upon the legitimate activities of investigating, procuracy, adjudicating and judgment-executing agencies in the protection of the interests of the State, the legitimate rights and interests of organizations and/or citizens.

#### **Article 293.-Examining innocent persons for penal liability**

1. Those who have competence but examine for penal liability persons who they know to be innocent shall be sentenced to between one and five years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) The penal liability is examined for crimes of infringing upon the national security or other crimes being particularly serious crimes;

b) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts for one to five years.

#### **Article 294.-Failing to examine for penal liability persons who are guilty**

1. Those who have competence but fail to examine for penal liability persons who they know to be guilty, shall be

sentenced to between six months and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between two and seven years of imprisonment:

a) Failing to examine for penal liability persons who have committed crimes of infringing upon the national security or other crimes being particularly serious ones;

b) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

#### **Article 295.-Handing down illegal judgments**

1. Those judges or juries who hand down judgments which they clearly know to be illegal shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing serious consequences the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

#### **Article 296.- Making illegal decisions**

1. Those who have competence in investigating, prosecuting, adjudicating and/or judgment-executing activities and issue decisions which they clearly know are illegal, causing damage to the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 297.- Coercing judicial personnel to act against laws**

1. Those who abuse positions and/or powers to coerce judicial personnel to act against laws in investigating, prosecuting, adjudicating and/or judgment-executing activities, thus causing serious consequences, shall be sentenced to between six months and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two years and seven years of imprisonment:

a) Using force, threatening to use force or using other dangerous and treacherous tricks;

b) Causing very serious or particularly serious consequences.

3. The offenders shall also be banned from holding certain posts for one to five years.

**Article 298.- Applying corporal punishment**

1. Those who apply corporal punishment in investigating, prosecuting, adjudicating and/or judgment-executing activities shall be sentenced to between six months' and three years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five years and twelve years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 299.-Forcing evidence or testimony**

1. Those who, while conducting investigation, prosecution or trial, employ illegal tricks in order to force persons being questioned to give false evidence, causing serious consequences, shall be sentenced to between six months and three years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 300.-Falsifying case dossiers**

1. Any investigators, procurators, judges, juries, court clerks or other judicial personnel, advocates or defenders of interests of involved parties, who add, cut, amend, fraudulently exchange, destroy or damage documents and/or material evidence pertaining to cases, or employ other means with a view to falsifying the contents of dossiers on cases, shall be sentenced to between one and five years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) In an organized manner;
- b) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders shall also be banned from holding certain posts and/or doing certain jobs for one to five years.

**Article 301.-Neglecting responsibility resulting in escape of detainees**

1. Those who directly control, guard or escort persons under custody or detention but neglect their responsibilities, resulting in the escape of detainees and causing serious consequences, shall be subject to non-custodial reform for up to two years or a prison term of between six months and three years.

2. Committing the crime of letting persons placed in custody or detention for serious, very serious or particularly serious offenses escape or cause very serious consequences, the offenders shall be sentenced to between two and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and ten years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 302.-Illegally releasing persons being held in custody or detention**

1. Those who abuse their positions and powers or take advantage of powers to illegally release persons being held in custody or detention, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime of illegally releasing persons being held in custody or detention for very serious or particularly serious offenses or causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 303.-Abusing positions and powers to detain persons in contravention of law**

1. Those who abuse their positions and/or powers refusing to issue decisions or to abide by decisions on release of persons eligible therefore under the provisions of law, shall be sentenced to between six months and three years of imprisonment.

2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

4. The offenders shall also be banned from holding certain posts for one to five years.

**Article 304.-Failing to execute judgments**

Those who deliberately refuse to execute the court's judgments or decisions which have already taken legal effect, though necessary coercive measures have been applied, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

**Article 305.-Failing to enforce judgments**

1. Any competent person who deliberately refuses to issue decisions to enforce judgments or refuses to execute decisions to enforce the court's judgments or decisions, causing serious consequences or who have already been disciplined for such acts but continue to commit them, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

**Article 306.-Obstructing the enforcement of judgments**

1. Those who abuse positions and powers, deliberately obstructing the enforcement of judgments, and/thus, cause serious consequences, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two years and five years of imprisonment:

a) In an organized manner;

b) Causing very serious or particularly serious consequences.

3. The offenders shall also be banned from holding certain posts for one to five years.

**Article 307.-Making false declarations or supplying false documents**

1. Any expert witnesses, interpreters and/or witnesses who make false conclusions, interpretation or declarations or supply documents which they clearly know are untrue shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and three years of imprisonment:

a) In an organized manner;

b) Causing serious consequences.

3. Committing the crime and causing very serious or particular serious consequences, the offenders shall be sentenced to between three and seven years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 308.-Refusing to make declarations, refusing to make expert conclusions or refusing to supply documents**

1. Those who refuse to make declarations in cases other than those stipulated in Clause 2, Article 22 of this Code, or shirk the duty to make declarations, expert conclusions or refuse to supply documents, without plausible reasons, shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 309.-Bribing or coercing other persons to make false declarations or to supply untrue documents**

1. Those who bribe or coerce witnesses and/or victims to make false declarations and/or supply untrue documents, experts to make false conclusions and/or interpreters to make wrong interpretations, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Using force, threatening to use force or employing other dangerous tricks;

b) Abusing positions and/or powers.

**Article 310.-Violating the sealing and/or inventory of property**

1. Those who are assigned to keep inventoried or sealed property or sealed material evidence and commit one of the following acts shall be sentenced to between six months and three years of imprisonment:

a) Destroying seals;

b) Consuming, using, assigning, fraudulently exchanging, concealing or destroying inventoried property;

c) Causing serious consequences.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 311.- Escaping from places of detention or custody or escaping whilst being escorted or on trial**

1. Those who are being held in custody or detention, escorted or tried, and escape, shall be sentenced to between six months and five years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Using force against guards or escorters.

**Article 312.-Rescuing persons being held in detention or custody, persons being escorted, persons being on trial**

1. Those who rescue persons being held in detention or custody, being escorted or being tried in circumstances other than those stipulated in Article 90 of this Code, shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

a) In an organized manner;

b) Abusing positions and/ or powers;

c) Using force against guards or escorters;

d) Rescuing persons being convicted of infringement upon national security or persons sentenced to death;

e) Causing serious, very serious or particularly serious consequences.

3. The offenders may also be banned from holding certain posts for one to five years.

### **Article 313.-Concealing offenses**

1. Those who, without prior promise, conceal one of the offenses defined in the following articles shall be sentenced to non-custodial reform for up to three years or between six months and five years of imprisonment:

- Articles from 78 to 91 on crimes of infringement upon national security;

- Article 93 (murder); Article 111, Clauses 2, 3 and 4 (rape); Article 112 (rape against children); Article 114 (forcible intercourse with children); Article 116, Clauses 2 and 3 (Obscenity against children); Article 119, Clause 2 (trafficking in women);

- Article 120 (trading in, fraudulently exchanging or appropriating children);

- Article 133 (robbery of property); Article 134 (kidnapping for the purpose of property appropriation); Article 138, Clauses 2, 3 and 4 (robbery and stealers of property); Article 139, Clauses 2, 3 and 4 (deception for appropriation of property); Article 140, Clauses 2, 3 and 4 (Abusing trust to appropriate property); Article 143, Clauses 2, 3 and 4 (destroying or intentionally damaging property);

- Article 153, Clause 3 and 4 (smuggling); Article 154, Clause 3 (Illegally transporting commodities and/or currency(ies) across borders); Article 155, Clauses 2 and 3 (producing, storing, transporting, trading banned goods); Article 156, Clauses 2 and 3 (producing and/or trading fake goods); Article 157 (producing and/or trading in fake goods)

being food, foodstuff, curative medicines, preventive medicine); Article 158, Clauses 2 and 3 (producing and/or trading in fake goods being animal feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties and animal breeds);

Article 160, Clauses 2 and 3 (speculation); Article 165, Clauses 2 and 3 (deliberately acting against the State's regulations on economic management, causing serious consequences); Article 166, Clauses 3 and 4 (setting up illegal funds); Article 179, Clauses 2 and 3 (breaching regulations on lending activities of credit institutions);

Article 180 (making, storing, transporting, circulating counterfeit banknotes, cheques, bonds); Article 181 (making, storing, transporting, circulating counterfeit cheques and other valuable papers); Article 189, Clauses 2 and 3 (destroying forests);

- Article 193 (illegally producing narcotics); Article 194 (storing, transporting, illegally trading in or appropriating Article 195 (illegally storing, transporting, trading in or appropriating pre-substance used for illegal production of narcotics); Article 196, Clause 2 (producing, storing, transporting, and trading in means and tools used in the illegal production or use of narcotics); Article 197 (organizing the illegal use of narcotics); Article 198 (harboring the illegal use of narcotics); Article 200 (coercing, dragging other persons into the illegal use of narcotics); Article 201, Clauses 2, 3 and 4 (breaching the regulations on management and use of addictive drugs or other narcotic substances);

- Article 206, Clauses 2, 3 and 4 (organizing illegal motor races); Article 221 (hijacking airplanes, ships); Article 230 (illegally manufacturing, storing, transporting, using, trading in or appropriating military weapons and/or technical means); Article 231 (destroying important national security works and/or facilities); Article 232, Clauses 2, 3 and 4 (illegally manufacturing, storing, transporting, using, trading in or appropriating explosives); Article 236, Clauses 2, 3 and 4 (illegally producing, storing, transporting, using, trading in or appropriating radioactive elements); Article 238, Clauses 2, 3 and 4 (illegally producing, storing, transporting, using or trading in inflammables, toxins);

- Article 256, Clauses 2 and 3 (having paid sexual intercourse with juveniles);
- Article 278, Clauses 2, 3 and 4 (embezzlement of property); Article 279, Clauses 2, 3 and 4 (taking bribes); Article 280, Clauses 2, 3 and 4 (abusing positions and powers to appropriate property); Article 281, Clauses 2 and 3 (abusing positions and powers in the performance of official duties); Article 282, Clauses 2 and 3 (abusing powers while performing official duties); Article 283, Clauses 2, 3 and 4 (abusing positions and powers to influence other persons for personal profits);
- Article 284, Clauses 2, 3 and 4 (Forgery in work); Article 289, Clauses 2, 3 and 4 (offering bribes); Article 290, Clauses 2, 3 and 4 (acting as intermediary in bribery);
- Article 311, Clause 2 (escaping from places of detention or custody, or escaping whilst being escorted, adjudicated);
- Articles from 341 to 344 on crimes of undermining peace, against mankind and war crime.

2. If abusing positions and powers to obstruct the detection of crimes or committing other acts of concealing criminals, the offenders shall be sentenced to between two and seven years of imprisonment.

#### **Article 314.-Failing to denounce crimes**

1. Those who have full knowledge of one of the crimes defined in Article 313 of this Code, which is being prepared, is being or has been committed, but fail to denounce it, shall be subject to warning, non-custodial reform for up to three years or a prison term of between three months and three years.
2. If the offenders' grand fathers, grand mothers, fathers, mothers, children, grandchildren, siblings, wives or husbands fail to denounce the former's crimes of infringing upon the national security or other particularly serious offenses under the provisions of Clause 1, this Article, they shall bear penal liability therefore.
3. Persons who have failed to denounce offenses but acted to dissuade the offenders from committing the offenses or

to limit the harms done thereby, may be exempt from penal liability or penalties.

## **Chapter XXIII**

### **CRIMES OF INFRINGING UPON THE DUTIES AND RESPONSIBILITIES OF ARMY PERSONNEL**

#### **Article 315.-Persons to be held responsible criminally for infringing upon the duties and responsibilities of army personnel**

Army personnel on active service, reserve army personnel in the period of concentrated training, citizens requisitioned for service in the army, militiamen, self-defense personnel detached to army units in combat, combat service, shall bear penal liability for the offenses they commit as provided for in this Chapter.

#### **Article 316.-Disobeying orders**

1. Those who disobey orders of their direct commanding officers or competent superiors shall be sentenced to between six months' and five years of imprisonment.
2. Committing the offense in one of the following circumstances, the offender shall be sentenced to between five years and ten years of imprisonment:
  - a) The offender is a commanding officer or an officer;
  - b) The offender drags other person(s) into committing the offense;
  - c) Force is used;
  - d) The offense entails serious consequences.
3. If the offense is committed in combat, in battle zones or in other special circumstances, or causes very serious consequences, the offender shall be sentenced to between ten years' and twenty years of imprisonment.
4. If causing particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment.

**Article 317.-Unscrupulously executing orders**

1. Those who execute orders negligently, dilatorily and/or casually, thus causing serious consequences, shall be sentenced to non-custodial reform for up to three years or to between three months and three years of imprisonment.

2. Committing the offense in combat, in battle zones or in other special circumstances, or causing very serious or particularly serious consequences, the offenders shall be sentenced to between two years' and ten years of imprisonment.

**Article 318.-Obstructing fellow combatants from discharging their duties and responsibilities**

1. Those who obstruct fellow combatants from discharging their duties and responsibilities shall be sentenced to non-custodial reform for up to three years or to between three months and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and ten years of imprisonment:

a) Dragging other persons into committing the offense;

b) Using force;

c) Causing serious or very serious consequences.

3. Committing the offense in combat, in battle zones or causing particularly serious consequences, the offenders shall be sentenced to between seven years' and fifteen years of imprisonment.

**Article 319.-Insulting or assaulting commanders or superiors**

1. Those who, in working relationships, seriously hurt the dignity and honor of or assault commanders or superiors, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime and causing serious, very serious or particularly serious consequences, the offenders shall

be sentenced to between two years and seven years of imprisonment.

**Article 320.-Humiliating or applying corporal punishment to subordinates**

1. Those who, in their working relationships, seriously infringe upon the dignity and honor of or apply corporal punishment to subordinates, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years.

2. If causing serious, very serious or particularly serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

**Article 321.-Humiliating or assaulting companions- in- arms**

1. Those who seriously infringe upon the dignity and honor of or assault companions-in-arms, in situations where there is no working relationship between them under cases stipulated in Articles 319 and 320 of this Code, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime and causing serious, very serious or particularly serious consequences, the offenders shall be sentenced to between one year and five years of imprisonment.

**Article 322.-Surrendering to the enemy**

1. Those who, in the course of combat, surrender to the enemy, shall be sentenced to between five years and fifteen years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between twelve years and twenty years of imprisonment:

a) The offenders are commanders or officers;

b) The offenders deliver to the enemy military weapons, technical means or important documents;

c) The offenders drag other persons into committing the offense;

d) Serious or very serious consequences are caused.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment.

**Article 323.-Passing information to or voluntarily working for the enemy when captured as prisoners of war**

1. Those who, when captured as prisoners of war by the enemy, pass information on military secrets to or voluntarily work for the enemy, shall be sentenced to between one year and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven years and fifteen years of imprisonment:

a) The offenders are commanders or officers;

b) The offenders cruelly treat other prisoners of war;

c) Serious or very serious consequences are caused.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between fifteen years and twenty years of imprisonment or life imprisonment.

**Article 324.-Abandoning combat positions**

1. Those who abandon their combat positions or fail to discharge their duties in combat shall be sentenced to between five years and twelve years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten years and twenty years of imprisonment:

a) The offenders are commanders or officers;

b) The offenders abandon weapons, technical means or important documents;

c) The offenders drag other persons into committing the crime;

d) Serious or very serious consequences are caused.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

#### Article 325.- Desertion

1. Those who desert the army with a view to evading their duties, have been disciplined for such act but continue to commit it or cause serious consequences or commit it in the time of war, shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three years and eight years of imprisonment:

a) The offenders are commanders or officers;

b) The offenders drag other persons into committing the crime;

c) The offenders bring along or abandon weapons, military technical means or important documents;

d) Very serious consequences are caused.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven years and twelve years of imprisonment.

#### **Article 326.-Shirking duties**

1. Those who inflict injuries upon themselves, cause harm to their own health or employ other dishonest tricks in order to evade their duties, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two years and seven years of imprisonment:

- a) The offenders are commanders or officers;
- b) The offenders drag other persons into committing the crime;
- c) The crime is committed during the war time;
- d) Serious consequences are caused.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

**Article 327.-Intentionally disclosing secrets of military activities ; appropriating, trading in or destroying secret documents on military activities**

1. Those who intentionally disclose secrets of military activities or appropriate, trade in or destroy secret documents on military activities in cases other than those stipulated in Articles 80 and 263 of this Code, shall be sentenced to between six months and five years of imprisonment.

2. Committing the crime and causing serious, very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

**Article 328.-Unintentionally disclosing secrets of military activities; losing secret documents on military activities**

1. Those who unintentionally disclose secrets of military activities or lose secret documents on military activities in cases other than those stipulated in Article 264 of this Code, shall be subject to non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime and causing serious, very serious or particularly serious consequences, the offenders shall

be sentenced to between one year and five years of imprisonment.

**Article 329.-Making false reports**

1. Those who intentionally make false reports, causing serious consequences, shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

**Article 330.-Breaching regulations on combat readiness, commanding duties, official duties**

1. Those who fail to strictly observe the regime of being on combat duties, commanding duties and/or official duties, thus causing serious consequences, shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

2. Committing the offense in combat or causing very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

**Article 331.-Breaching regulations on guard duty**

1. Those who fail to strictly observe the regulations on patrol, guard and/or escort, causing serious consequences, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and five years.

2. If the offense is committed in combat or entails very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

**Article 332.-Breaching regulations on ensuring safety in combat or in training**

1. Those who fail to strictly observe the regulations on ensuring safety in combat or in training, thus causing

serious consequences, shall be subject to non-custodial reform for up to three years or to a prison term of between one year and five years.

2. If causing very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

**Article 333.-Breaching regulations on the use of military weapons**

1. Those who breach regulations on the use of military weapons, causing serious consequences, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and five years.

2. If the offense is committed in battle zones or entails very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

**Article 334.-Destroying military weapons, technical means**

1. Those who destroy military weapons and/or technical means, if in cases other than those stipulated in Articles 85 and 231 of this Code, shall be sentenced to between two years and seven years of imprisonment.

2. If the offense is in combat or in battle zones or entails serious consequences, the offenders shall be sentenced to between five years and twelve years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between ten years and twenty years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment.

**Article 335.-Losing or unintentionally damaging military weapons and/or technical means**

1. Those who are assigned to manage or are equipped with military weapons and/or technical means but lose or

unintentionally damage them, causing serious consequences, shall be subject to non-custodial reform for up to three years or a prison term of between six months and five years.

2. If very serious or particularly serious consequences are caused, the offenders shall be sentenced to between three years and seven years of imprisonment.

**Article 336.-Violating policies towards war wounded and/or war dead during combat**

1. Any responsible person who deliberately leaves war-wounded and/or war dead on the battlefield or leaves war wounded untended and untreated, thus causing serious consequences, shall be sentenced to non-custodial reform for up to three years or between three months and three years of imprisonment.

2. Committing the crime and causing the offense entails very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing the offense entails particularly serious consequences, the offenders shall be sentenced to between five years' and ten years of imprisonment.

4. Those who appropriate relics of war dead shall be sentenced to non-custodial reform for up to three years or between three months and three years of imprisonment.

**Article 337.-Appropriating or destroying war trophies**

1. Those who, while in combat or clearing the battlefields, appropriate or destroy war trophies, shall be sentenced to non-custodial reform for up to three years or between six months and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three years and eight years of imprisonment:

a) The offenders are commanders or officers;

b) The war trophies are of great or very great value;

c) Serious or very serious consequences are caused.

3. If the offense involves war trophies of particularly great value or entails particularly serious consequences, the offenders shall be sentenced to between seven years and twelve years of imprisonment.

#### **Article 338.-Harassing people**

1. Those who commit acts of harassing people, have been disciplined for such acts but continue to commit them or cause serious consequences, shall be sentenced to non-custodial reform for up to three years or between three months and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two years and seven years of imprisonment:

a) The offenders are commanders or officers;

b) The offenders drag other persons into committing the crime;

c) The offense is committed in battle zones or in areas where the state of emergency has already been declared;

d) Very serious or particularly serious consequences are caused.

#### **Article 339.-Abusing military demands while performing duties**

1. Those who, while performing duties, ask for more than the military demands, causing serious property loss to the State, organizations and/or citizens, shall be sentenced to non-custodial reform for up to three years or between three months and three years of imprisonment.

2. If the offense entails very serious or particularly serious consequences, the offenders shall be sentenced to between three years and seven years of imprisonment.

#### **Article 340.-Ill-treating prisoners of war and/or enemy deserters**

Those who ill-treat prisoners of war and/or enemy deserters shall be subject to non-custodial reform for up to one year or a prison term of between three months and two years.

#### **Chapter XXIV**

#### **CRIMES OF UNDERMINING PEACE, AGAINST HUMANITY AND WAR CRIMES**

##### **Article 341.-Undermining peace, provoking aggressive wars**

Those who propagate and/or incite wars of aggression, or prepare, carry out or participate in wars of aggression against the independence, sovereignty and territorial integrity of another country, shall be sentenced to between twelve years and twenty years of imprisonment, life imprisonment or capital punishment.

##### **Article 342.-Crimes against mankind**

Those who, in peace time or war time, commit acts of annihilating en-mass population in an area, destroying the source of their livelihood, undermining the cultural and spiritual life of a country, upsetting the foundation of a society with a view to undermining such society, as well as other acts of genocide or acts of ecocide or destroying the natural environment, shall be sentenced to between ten years and twenty years of imprisonment, life imprisonment or capital punishment.

##### **Article 343.-War crimes**

Those who, in time of war, give the order for or directly undertake the murder of civilians, wounded persons, prisoners of war, the looting of property, the destruction of population quarters, the use of banned war means or methods, and/or commit other acts in serious violation of international laws or international treaties which Vietnam has signed or acceded to, shall be sentenced to between ten years and twenty years of imprisonment, life imprisonment or capital punishment.

##### **Article 344.-Recruiting mercenaries or working as mercenaries**

1. Those who recruit, train or use mercenaries to oppose a friendly country of Vietnam or a national liberation

movement shall be sentenced to between ten years and twenty years of imprisonment or life imprisonment.

2. Those who work as mercenaries shall be sentenced to between five years and fifteen years of imprisonment.

This Code was passed by the National Assembly of the Socialist Republic of Vietnam, X the Legislature, at its 6th session on December 21, 1999.

National Assembly Chairman  
NONG DUC MANH